

The LONDON MAGAZINE:



Or GENTLEMAN'S *Monthly Intelligencer.*

For JUNE, 1749.

To be Continued. (Price Six-Pence each Month.)

Containing, (*Greater Variety, and more in Quantity, than any Monthly Book of the same Price.*)

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| <p>I. The JOURNAL of a Learned and Political CLUB, &c. continued: Containing the SPEECH of C. Claudius Nero, in a Debate concerning the late famous Navy-Bill; the SPEECH of Claudius Marcellus, by Way of Answer; and another SPEECH of the former, by Way of Reply.</p> <p>II. A second Criticism upon a Book lately published, intitled; <i>Letters on the Spirit of Patriotism</i>, &c.</p> <p>III. An Historical Narrative of the piratical States of <i>Barbary</i>.</p> <p>IV. Ceremony of opening the <i>Jubilee</i> at <i>Rome</i>.</p> <p>V. An Invariable Dimension, by R. Douglas, M. D.</p> <p>VI. A Geometrical Problem.</p> <p>VII. Queries in relation to Electricity.</p> <p>VIII. An Historical Account of the Whale-Fishery.</p> <p>IX. Gallant Action of Mr. <i>Shovel</i>, afterwards Sir <i>Cloudesley</i>, at <i>Tripoli</i>.</p> <p>X. A Description of <i>Yorkshire</i>, and particularly of the <i>East Riding</i>.</p> <p>XI. Of the Staggers in Horses, and how to prevent them.</p> <p>XII. Of the Tongue, and its Uses in speaking and tasting.</p> | <p>XIII. Abstract of the several Weekly journals.</p> <p>XIV. The Necessity of suppressing scandalous and immoral Books.</p> <p>XV. Ceremony of electing six new Knights of the Garter.</p> <p>XVI. The KING'S Speech at the Close of the Session.</p> <p>XVII. Description of the City of <i>Casan</i>.</p> <p>XVIII. Account of a most surprizing Hail Storm.</p> <p>XIX. POETRY: Genuine Copy of the Ode to <i>Garrick</i>; Verses dated at <i>Oxford</i>, presented to the P—e of W—s; on Self-Murder, by a Lady; the Scolding Wife; on a very retired Walk; a Ballad, by Lady <i>Mary Wortley Montagu</i>; to <i>Alexis</i>; the Nonpareil, set to Music, &c. &c. &c.</p> <p>XX. The MONTHLY CHRONOLOGER: Acts passed; Sheriffs elected; Knights of the <i>Bath</i> install'd; Fire at <i>Glasgow</i>, &c.</p> <p>XXI. Promotions; Marriages and Births; Deaths; Bankrupts.</p> <p>XII. Prices of Stocks for each Day.</p> <p>XXIII. Monthly Bill of Mortality.</p> <p>XXIV. FOREIGN AFFAIRS.</p> <p>XXV. Catalogue of Books.</p> |
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With a new and correct MAP of the *East Riding* of *Yorkshire*, and the Heads of Mr. *Garrick* and *Mademoiselle Violetti*, neatly engraved on Copper.

MULTUM IN PARVO.

LONDON: Printed for R. BALDWIN, jun. at the *Rose* in *Pater-Noster-Row*. Of whom may be had, compleat Sets from the Beginning to this Time, neatly Bound, or Stitch'd, or any single Month to complete Sets.

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THE
LONDON MAGAZINE.

JUNE, 1749.

A second Criticism upon a Book lately published, intituled, Letters on the Spirit of Patriotism, &c.

To the AUTHOR of the LONDON MAGAZINE.

S I R,



OUR inserting my last letter, occasions my giving you the trouble of this; and if you have found, that it was agreeable to your readers, I hope, this likewise will find a place in your collection; because I think it is of the utmost consequence, to have the principles of the revolution, and our present happy establishment, rightly understood.

With the author of these letters, I esteem monarchy above any other form of government, and hereditary monarchy above elective: With him I think, that kings have a divine right to govern well, and conformably to the constitution at the head of which they are placed; but that a divine right to govern ill is an absurdity, and that to assert it is blasphemy. And with him I think, as I said in my last, that by the principles of the revolution, a subject may resist the prince who endeavours to ruin and enslave his people; but I do not think, that by those principles, a subject can push that resistance to the dethronement and exclusion of that

prince and his race, unless by his abdication or desertion the government should be thrown into the hands of the people; and I found this last opinion upon the words of the resolution, both of the lords and commons assembled in the convention, which are as follow: Resolved, "That king *James II.* having endeavoured to subvert the constitution of the kingdom, by breaking the original contract between king and people, and by the advice of *Jesuits*, and other wicked persons, having violated the fundamental laws, and withdrawn himself out of the kingdom, had abdicated the kingdom, and that the throne is thereby become vacant."

From those words it is plain, that if king *James* had not abdicated, the nation would not at that time have thought, that it had a right to declare the throne vacant. As he had shewn himself to be not only a papist but a mad bigotted one, they might have thought him unfit to govern, and might have declared the prince of *Orange* regent or protector of the kingdom, during the life of that prince; but this, I believe, would have been the utmost length, the free parliament, which he had called, would have gone, had he had the courage to have staid amongst us, or even had he appointed a regency, and declared, that being induced thereto by the fate

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Elizabeth to her second of

constitution remains entire, no subject has any such right; but when the constitution is dissolved, and the people left in a state of nature, as they were by the abdication of king *James II.* they may certainly resettlement the government after what manner they please, and consequently may exclude the man and his race, who left them in such confusion.

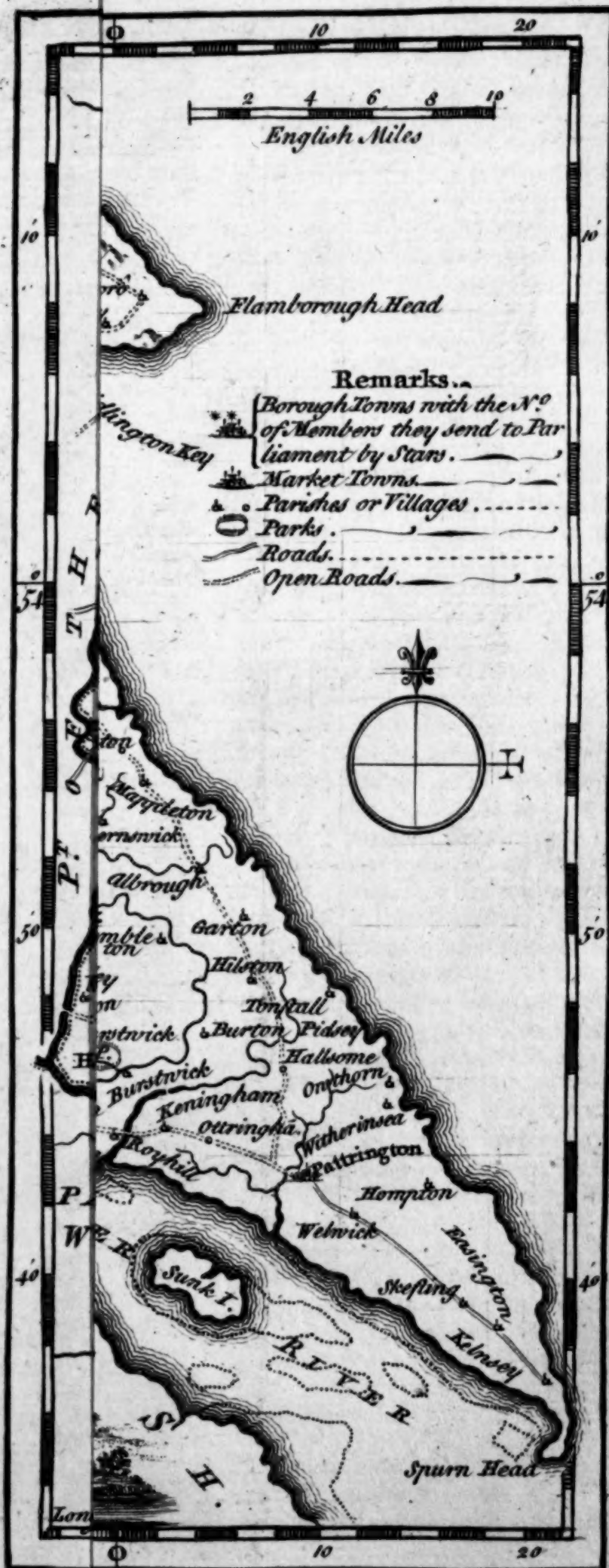
Our constitution was not altered but restored by the revolution; for the people very wisely chose to re-establish that very constitution under which the nation had flourished for so many centuries: Nay, they have departed from the lineal succession of our monarchy, as little as was consistent with the preservation of our religion; therefore the maxim, *That the king can do no wrong*, is now as much a fundamental maxim of our constitution, as it was in the year 1688. Consequently, it is inconsistent with our constitution to talk of a prince's forfeiting his right, or the right we swore to. If resistance becomes necessary, our right to resist does not proceed from any forfeiture incurred by him, but from the right we have to a free parliament; and that right we may vindicate by arms, if it can be no other way obtained; but in vindicating our own right, we ought never to think of encroaching upon the prince's right to the crown, while our constitution remains undissolved, much less of excluding him and his race for ever.

If the doctrine were admitted, *that a king could forfeit his right to the crown*, the gradation would be easy to the doctrine of 1649, *that a king might or ought to be capitally punished*. By the latter, our constitution was at that time torn up from the very root; and by the former, its harbinger, our liberties may, as I have shewn, be irrecoverably lost; therefore, let us avoid propagating, or so much as insinuating such doctrines. I am sure, they never will be propagated by any man who has a true regard for our constitution, or

who sincerely thinks, that a limited hereditary monarchy is of all others the best form of government; and therefore I must conclude, as I said in my last, that this digression about *Jacobites* has been foisted in by the editor, without the author's approbation. *I am, Sir, &c.*

The EAST RIDING of YORKSHIRE.

PREVIOUS to the account of the several divisions of this county, it will be proper to give a description of the county in general. *Yorkshire*, then, has *Lancashire* and *Westmoreland* on the W. part of *Westmoreland* and the bishoprick of *Durham* on the N. *Derbyshire*, *Nottinghamshire*, and *Lincolnshire*, on the S. and the sea or German ocean on the E. and the S. W. part just touches upon *Cheshire*. It is by much the largest county in *England*, being near 90 miles long, and 80 broad, 360 in circumference, and containing about 3,770,000 acres; and the houses are computed at 106,150. It is divided into 28 hundreds, 563 parishes, and 49 market-towns, and sends 30 members to parliament, viz. 2 for the county, 2 for the city of *York*, and 26 for 13 boroughs, each sending 2. No county goes beyond this for stately and convenient seats of the nobility and gentry, nor does any exceed it in giving titles of honour. Its chief rivers are the *Tees*, *Swale*, *Warfe*, *Aire*, *Ouse*, *Derwent*, *Calder*, and *Dun*, most of which by their confluence form that great estuary or river, called the *Humber*, which separates this county from *Lincolnshire*. It is generally blest with a wholesome and temperate air, tho' it must be supposed that in a county of so large an extent the soil must be various; but if one part be stony, mountainous, sandy and barren, another is richly adorned with corn-fields and pastures; if some places be naked and destitute of woods, others are shaded with fine forests; and if some be moorish, miry and unpleasant, others are as delightful and pleasant as the eye can wish. It in general abounds with cattle, fish and fowl, and is remarkable for a breed of fine horses, great flocks of goats and sheep, and mines of lead, copper and coals. It is famous for medicinal waters, and here's abundance of jet, allum, lime-stone, liquorice, &c. Their principal manufacture is coarse cloth; next to which *Rippon* spurs, *Sheffield* blades, and *Sherborn* pins, are of especial note. For the greater ease and better management of the civil government in so large a tract, this county is divided into 3 parts, viz. the *North Riding*, *West Riding*, and *East Riding*; each of which might make a county of it self, if compar'd to the other counties;







counties; and 'tis of the last of these we are now to speak. (See the annexed MAP.)

The East Riding of Yorkshire has its north and west sides bounded by the winding course of the *Derwent*, the south by the *Humber*, and the east by the *German ocean*; which part, with that towards the *Derwent*, is pretty fruitful; but the middle, call'd *Yorkswould*, is nothing but a heap of mountains. In this division are three boroughs that send members to parliament; which are,

1. *Beverley*, 141 computed, and 179 measured miles N. from *London*. It is pleasantly situated at the foot of the *Woulds*, and the conveniency for hunting, fishing and fowling, incites many gentlemen to reside in and near it. It derives its name from *beaver* (or *otter*) and *lake*; the river *Hull*, near which it stands, abounding with these creatures. It is of great antiquity, but began to be most taken notice of by the retirement of *John de Beverley*, archbishop of *York*, in 717. It has two parish churches, besides the minster, in which is an antient table, with the pictures of *St. John de Beverley* and king *Atbelstan*, the founder, and betwixt them this distich:

Als free make I thee,

As heart can wish, or eye can see.

Whence the freemen of *Beverley* are exempted from all manner of tolls or customs in any port or town throughout *England*. It has a good market on *Wednesdays* and *Saturdays*, and its chief trade is in malting, oatmeal, tanning of hides, and bone-lace. Here is a free-school and almshouses well endow'd. It is govern'd by a mayor, 12 aldermen, &c. Its liberties are very large, consisting of many towns and parts of towns, and they have a court of record to try causes for any sums within their jurisdiction.

2. *Hull*, or *Kingston upon Hull*, lies about 7 miles S. of *Beverley*, at the mouth of the *Hull*, where it falls into the *Humber*. It was built by *Edward I.* favour'd with many privileges by his successors, and by degrees grew to be a large town and an honour, tho' containing but 2 parishes. The streets are well order'd and pav'd, one much resembling *Thames-Street* in *London*, near the bridge, which has 14 arches, where pitch, tar, sails, cordage, and other necessaries for shipping, are vended, having also a custom-house and a good key. Its markets are on *Tuesdays* and *Saturdays*, and it has a foreign trade equal to that of most towns in *England*. Here is an exchange for the merchants, a good free-school, and a *Trinity-house*, endow'd with good revenues, for the relief of distressed sailors and their widows; as also several hospitals erected by private benefactors,

besides the two famous ones of *Trinity* and *Charter-house*. *Hull* is a place of exceeding strength, being able to bid defiance both to a naval and land force, and that by reason of its strong citadel, blook-houses, castle, walls, ditches, forts, &c. It has convenient appartmenis for the garison, an engine to make salt water fresh; and the country being a perfect level, they can, by cutting the sea banks, let in the flood, and lay it 5 miles round under water. It is governed by a mayor and aldermen, is a town and county of itself, and gives title of duke of *Kingston* to the family of *Pierpoint*.

3. *Headon*, or *Heydon*, about 6 miles east of *Hull*, is an antient mayor and borough town, with a market on *Saturdays*. It lies in the large promontory of *Holdernefs*, which gives title of earl to the family of *D'Arcy*. The two parliament-men are chosen by the majority of the freemen. Here is a prison and a court, belonging to the visc. *Dunbar*, who has the feigniory of *Holdernefs*.

Other towns in this Riding are, 1. *Howden*, above 20 miles west of *Hull*, a pretty large town, with a very great market on *Saturdays*. It gives name to a small territory adjacent, called *Howdenshire*.—2. *Patrington*, in *Holdernefs*, about 8 miles S. E. of *Heydon*, pleasantly situated, with a market on *Saturdays*, and a harbour for ships, but not so good as formerly. It was a *Roman* station, and has a fine prospect to the sea, and over the *Humber*. The *Roman* highway from the *Picts* wall ends here.—3. *Wigton*, about 10 miles W. of *Beverley*, has a small market on *Wednesdays*.—4. *Pocklington*, 7 miles N. W. of *Wigton*, with a market on *Saturdays*.—5. *Frodlingbam* or *Frodingbam*, about 9 miles N. E. of *Beverley*.—6. *Hornsey*, 7 miles S. E. of *Frodlingbam*, has a market and a harbour for ships. It is situate on the coast of the *German ocean*, and its church steeple is a notable sea mark, tho' now much fallen to decay.—7. *Kilbam*, about the same distance N. from *Frodlingbam*: Market on *Thursdays*.—8. *Bridlington*, or *Burlington*, 6 miles N. E. of *Kilbam*, a pretty large town, situate on a creek of the sea, where is a very safe harbour for ships, us'd by the colliers. It is a place of good trade, and has a very commodious key for lading and unlading of goods, and a large market on *Saturdays*. It gives title of earl to the family of *Boyle*. The promontory call'd *Flamberough-Head* lies N. and E. from it, which is noted for a light-house. There was an eruption of waters from the earth, by some call'd *Vipses*, and by others *Gipses*, which sometimes ran by this promontory into *Burlington-Bay*. They broke out in the *Downs*, after great rains, spouted up water to a great height, and sometimes flow'd

flow'd from rocks. The country people thought they portended famine; but these *Vipsys* have not of late been heard of.—
9. *Hunnamby*, 7 miles N. W. of *Burlington*, has a weekly market, and a harbour for vessels.

The *Humber*, which first takes its name about 12 miles above *Hull*, is made up, as we have said, by the influx of many rivers on both sides. It is call'd *Abus Æfluarium* by *Ptolemy*, but the *Saxons* call'd it *Humber*; whence all the country north of it was call'd *Northumberland*. *Camden* says, 'tis the most spacious *astuary*, and the best stor'd with fish, of any in *England*. It ebbs and flows, and at every ebb, returns its own waters, and those borrowed from the sea, with great rapidity and noise, and no small danger to sailors and passengers. Several towns have been swallow'd up in that part of the county call'd *Holderness*, by inundations of the sea and rivers; for which we refer to *Camden*.

From the London Gazette.

Kensington, June, 22.

THE sovereign having determined to hold a chapter of the most noble order of the garter, and the knights companions resident in and near *London*, being summoned to attend here this day, there appeared habited in their mantles his royal highness the duke of *Cumberland*, and the knights herein after mentioned, with the dean of *Windsor* the register, and garter king at arms, in their respective mantles, and wearing their different badges, who waited the sovereign's coming; and upon his appearance, garter, by the sovereign's command, call'd over the names of the knights companions present, beginning with the juniors in the order, who thereon proceeded to the gallery where the chapter was appointed to be held in the following method, the juniors first; and the knights, whose companions in the stalls opposite to them were absent, went single.

Duke of *Kingston*, Duke of *Portland*,
Duke of *St. Albans*,
Duke of *Richmond*,
Duke of *Newcastle*, Duke of *Grafton*,
Duke of *Dorset*,

His royal highness the duke of *Cumberland*,

Garter king of arms having on his right hand the dean of *Windsor*, register of the order.

THE SOVEREIGN.

Upon entering the gallery, the knights stood behind the several chairs (placed there as at the time of holding of the privy council) till the sovereign had seated himself in the chair of state at the upper end of the

table, and then, by his majesty's leave, took their chairs. Then garter with reverence acquainted the sovereign, that the hon. *Henry Bellenden*, Esq; attended without the door, and most humbly beseeched his majesty to be admitted to take the oath of office, as gentleman usher of the black rod of this most noble order; and he was accordingly introduced in his mantle; and being come to the sovereign, he kneeling down took the oath enjoined by the statutes; his majesty having put the gold chain with the jewel about his neck, was pleased to confer on him the honour of knighthood; then having kissed the sovereign's hand, he withdrew to the bottom of the table.

Garter then in the like manner, having acquainted the sovereign, that the lord bishop of *Salisbury* attended without the door, and most humbly besought his majesty, that he might be admitted to the office of chancellor of this most noble order; which office is annexed to that bishoprick.

And his lordship in his episcopal habit was introduced accordingly between garter and black rod, black rod carrying on a velvet cushion the mantle, gold chain and purse; and being come to the sovereign, black rod invested his lordship with the mantle; and the oath of office being administered to him kneeling, black rod on his knees presented to his majesty the gold chain and jewel, which his majesty put round his neck; and his lordship having received from the sovereign the purse, and kissed his majesty's hand, placed himself on the left hand of the chair of state.

Then the chancellor by the sovereign's command, declared his royal pleasure, that the six vacant stalls in the royal chapel at *Windsor* should now be filled; and each knight having wrote down the names of nine persons whom they esteemed most qualified to be elected in a scrutiny; and having severally subscribed their hands thereto, the same was collected by the chancellor, and presented by him on his knees to the sovereign, who after inspecting them, commanded the chancellor to declare his royal highness prince *George*, eldest son of his royal highness the prince of *Wales*, duly elected.

The second scrutiny was in like manner presented to the sovereign, who, after inspecting the same, commanded the chancellor to declare, his most serene highness the margrave of *Anspach* duly elected.

[See the election of the other 4, viz. the dukes of *Leeds* and *Bedford*, and the earls of *Albemarle* and *Granville*, in the Occurrences.]

JOURNAL

JOURNAL of the PROCEEDINGS and DEBATES in the POLITICAL CLUB, continued from Page 171.

As the Bill brought in last Session, intituled, A Bill for amending, explaining, and reducing into one Act of Parliament, the Laws relating to the Government of his Majesty's Ships, Vessels, and Forces by Sea, occasioned many Debates in all the Publick Places of this City, so it gave Occasion to several Debates in our Club, some of the most important of which I shall give you an Account of, and shall begin with that which we had upon the general Question, Whether any such Bill was necessary, or ought to be passed into a Law? In this Debate the first that spoke was C. Claudius Nero, whose Speech was in Substance thus:

Mr President,

S I R,

IN all wise governments it is a standing maxim not to make any new law, unless there appears to be a necessity for so doing; and therefore, with regard to the bill now before us, there are two questions necessary for our consideration, which are, first, Whether a new law be necessary for the government of his majesty's ships and forces by sea; and, secondly, Whether the bill now before us be such a one as ought to be passed into a law. As to the first question I must own, that I have always had a very great regard for the law passed in the 13th of king Charles II. It was a law concerted by as great men as ever were at the head of affairs in this kingdom, and under that law our navy has been governed for near 90 years, without any complaint, and with more glory, I believe, than will be acquired under any law that can be substituted in its room. That law

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was drawn up by the great admiral Montague, soon after earl of Sandwich, who had before shewn himself an excellent officer both by sea and land; and it was approved of by the lord chancellor Hyde, the marquess of Ormond, Denzil Holles, Sir Anthony Ashley Cooper, afterwards earl of Shaftsbury, and several other great men, who were of the king's council, before it was offered to either house of parliament for their approbation. I shall grant, it had some defects; as every human law must have, and laws have since been passed for remedying those defects; but in my opinion, none of them have answered the end intended; and those defects were thought so trivial, that both the Dutch wars in the reign of king Charles II. and the French war in the reign of king William, as well as that in the reign of queen Anne, were carried on, and gloriously carried on, without any law for remedying those defects, except that law made in the beginning of king William's reign, which appoints an oath to be taken by the judges in every court martial; and whether such an oath be of any service or no, I very much question, because a man who is so wicked as to resolve to act unjustly, will shew no regard to that or any other oath that can be framed by the legislature.

I may therefore justly observe, Sir, that from the year 1661, to the year 1720, our navy was governed by that law of king Charles II. without any material alteration or amendment; but in the year 1720, we began to think of extending the power of courts-martial, and with this view a clause was inserted in an act then passed, by which it was enacted, That seamen guilty of any of the offences mentioned in the act

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of the 13th of *Charles II.* upon the shore in any foreign parts, should be tried and punished by a court-martial. Now to determine whether this was an amendment or the contrary, we must consider, that by the act of king *Charles II.* the jurisdiction thereby given to courts-martial is expressly confined to such of the offences therein mentioned as should be committed upon the main sea, or in vessels hovering in the main stream of great rivers, only beneath the bridges nigh to the sea, within the jurisdiction of the admiralty, and only by persons in service and pay in the fleet, or ships of war. So that if any of those offences had been committed upon the shore, or at land, even in foreign parts, not within the *British* dominions, the offender was to be brought home and tried by the common law, or if committed in any of our plantations, he was to be tried by the common-law courts established in that plantation.

Thus we see, Sir, how careful the parliament was, in the year 1661, of incroaching upon the liberties of the subject, the chief part of which consists in their being tried, when accused of any crime, by God and their country; that is to say, by an impartial judge, and a jury of their neighbours in the country; and in their not being subjected even to a trial, till a jury of neighbours has found sufficient cause to suspect their being guilty, by finding the bill of indictment against them. And if we consider the circumstances of affairs at that time, we shall have still greater reason to extol the caution of that parliament; for tho' they in some cases shewed too much complaisance to the crown, yet with respect to the army and navy, their complaisance, even in the honey-moon of the restoration, was far from being extraordinary. The court were then pushing for a mutiny-bill with regard to the army, but the king's ministers foresaw that it would be impossible to pre-

vail with that parliament to establish a standing army by law, therefore they compounded the matter, and contented themselves with obtaining this, which is a sort of mutiny-bill with regard to the navy, and this they took care to confine in the manner I have mentioned.

I must indeed, Sir, admit, that with regard to offences committed on shore in foreign parts, not subject to the crown of *Great Britain*, the bill was too much confined, because such offences ought, I think, to be made triable by a court-martial of the squadron to which the offenders belong, and this was the defect which was made the pretence for the law in 1720; but our parliament was then grown so very complaisant, that they extended the jurisdiction of courts-martial to offences committed on shore in any foreign part whatever, by which they have made a most dangerous incroachment upon the civil power in all his majesty's plantations; therefore this may be called an alteration, but, I am sure, it cannot be called an amendment.

From the year 1720, Sir, to the year 1745, there was no new law introduced that can be properly called a law, for regulating the government of his majesty's navy; but in that year some gentlemen who had just got into the administration, began to be possessed with the spirit of lawgiving, which made them discover several defects, never before thought of, in our laws for regulating the government of the navy; and to remedy those defects they cook'd up a bill which was that session passed into a law; but how did they succeed? Why, but last year they were forced to give us a new specimen of their cookery, and to bring in and pass a bill for repealing the law they had made but three years before; and now they have brought in a bill not only for repealing the law they made last year, but also for repealing all the laws now

in being for regulating the government of the navy.

This, Sir, seems to be no great encouragement for us to accept of any more specimens of their cookery, especially this, which is to destroy what the navy has gloriously subsisted on for so many years. If they had confined their bill to the repealing of all the laws made since 1661, for the government of his majesty's navy, I should have made no difficulty in giving my consent to it; because every alteration since made has, I think, made the case worse instead of better. King William's law for appointing an oath to be taken by the judges has only added perjury to injustice; and I should rather chuse to have offences committed on shore in foreign parts remain unpunished till the offenders could be sent home, than to have the civil power in all our plantations divested of the right to try and punish seamen for offences committed within its jurisdiction. Even that clause in the act of the 8th of the late king against piracy, which I forgot to mention, and which subjects the captain of a king's ship to a penalty, who shall receive on board any merchandize, in order to trade with the same, I think very unnecessary; because it is in the power of the admiralty to cashier or dismiss any such merchant captain with infamy from the service. And as to the novelties introduced by the law passed last year, I think every one of them either useless or of pernicious consequence.

As to these novelties, Sir, I shall beg leave to take notice of some few of them; and first, as to that by which it is enacted, That no commander in chief of any fleet or squadron, or detachment thereof, shall preside at any court martial in foreign parts, I must really think it ridiculous. Will you, or can you think the king ever will trust the command of a fleet or squadron to a man, who is

not fit to be trusted with presiding at a court-martial? To pretend, that the chief commander, by being president, may influence the court to do as he pleases, is contrary to experience. I knew an instance to the contrary. A chief commander, who was in his nature a little passionate and full of resentment, had appointed a court-martial to try a man who had offended him. He was himself president, as by the old law he was of course; and after the fact had been inquired into, and the witnesses on both sides examined, he was going to pronounce it as the unanimous opinion of the court, that the prisoner was guilty; but after a little pause, one of the captains stood up and said, he hoped the president would not pronounce such a sentence as being the unanimous opinion of the court, for that he was of a contrary opinion; and after he had given his reasons, another stood up, and declared himself of the same opinion, then another, after him a third: In short, every member present declared against the opinion of their chief commander, so that instead of being unanimously condemned, the man was almost unanimously acquitted.

This shews, Sir, that by the old law the chief commander of a squadron, tho' president of the court-martial by him appointed, could not influence the court to do whatever he pleased; but by the next novelty I am to take notice of, you have put it in the power of every chief commander of a squadron to have such a court-martial as he may influence, without being either president or having a vote therein; and to shew this I must observe, that by the old law and custom of the navy, when any of the king's ships had the court-martial flag out, not only all the captains of that squadron were obliged to repair on board, and had their seat and vote in that court-martial, but every post captain of a

king's ship, that happened by accident to come in sight of the court-martial flag, was obliged to repair on board, and had his seat and vote in that court-martial; a remarkable instance of which happened in the famous trial of the lord *Torrington*,^A the beginning of king *William's* reign, which was a trial that no captain would have chosen to be present at, because by acquitting he was sure of disobliging the king, and by condemning he might probably be guilty of great injustice towards^B the prisoner; yet Sir *John Norris*, who by mere accident came in sight of the *Kent* frigate at *Sheerness*, on board of which the court-martial was then sitting and the flag for that purpose out, as soon as he saw that flag out, he was so observant of his duty,^C that he left his ship, repaired on board the *Kent* frigate, and was one of those who joined in unanimously acquitting that noble lord, contrary to their own interest, because they thereby run the risk of being dismissed the service, and never again employed in the navy, at least during that king's reign; which is another instance of its being difficult to obtain any undue influence over courts-martial, whilst they remained upon the antient footing, tho' a late instance has convinced many people,^E that the thing is not now absolutely impossible; because, it seems, the officers of our navy, as well as all other ranks of men in the kingdom, are become a little more complaisant to their superiors than was usual in former days.

But if the obtaining of such an influence was not absolutely impossible, even under the antient regulation, I am sure, it is made much more easy by the law passed last session, which enacts, That no court-martial shall consist of more than^G nine or less than five persons, and shall be composed of such commanders there present as are next in seniority to the officer who presides

at the court-martial; for by this means it must always be beforehand known, who are to be the members of the court-martial, which will afford an opportunity for undue practices, and methods may be taken to detach intractable captains from the squadron before the court-martial be appointed. Then as to the courts-martial in *Britain* or *Ireland*, the admiralty is intrusted with a most dangerous power, which is that of directing a flag-officer or captain of any ship of war, who shall be in any port within *Great Britain* or *Ireland*, to hold courts-martial there, and to preside thereat; and that tho' there be but two post captains there besides himself, he being in that case empowered, by a following clause, to call any two commanders of his majesty's vessels then in that port, under the degree of a post captain, in order to make a sufficient number to hold a court-martial; so that the best officer in the navy may find his life at the mercy of a flag-officer or captain, and the commanders of two little sloops sent to that port, on purpose to sacrifice him to the resentment of a minister, whom he may perhaps have offended by a brave and honourable discharge of his duty to his country.

Sir, it is of the most dangerous consequence to exclude men of a high rank from presiding or sitting in a court-martial, or to empower men of a low rank to preside or sit there; because the lower a man's rank is in the navy, the more he will always be exposed to the influence of an ambitious or revengeful minister; and therefore, if there were no other reason, I should be for repealing the law passed last session for regulating the navy. But there is another novelty introduced by that law, which is the oath to be taken by the members of a court-martial. They are not only to swear, that they will duly administer justice, as was prescribed by the law of king *William*, which

was a law passed on purpose for the trial of the lord *Torrington*, whom I have already mentioned; but they are to swear, not to discover any thing that passes in debate relating to the trial: Nay, even the judge advocate is to swear to the same secrecy. How ridiculous is this, Sir? How contrary to the whole tenor of our constitution? An oath of secrecy is an oath taken by no court of justice I know of in the world, except the court of inquisition; and as that court is in its own nature a court of injustice, cruelty, and oppression, I hope, it will never be made a precedent for any new regulation here. In this happy country the proceedings of all our courts of justice are open and publickly known: No judge is afraid or ashamed of the opinion he gives, or of the reasons, on which he founds that opinion. Even in the most solemn trials in this house, our proceedings are open to the whole world; and we give our votes in the most publick manner. This is the great security for the impartiality and honesty of all our courts of justice: Were it in their power to conceal from the world what they do, or the opinions they give, bribery and corruption would soon be as frequent, and have as powerful an effect, as it has at any election in the kingdom; for it has always been, and always will be, the prayer of rogues,

Noctem peccatis, et fraudibus objice nubem.

And this prayer will be effectually answered by this oath of secrecy, especially in our courts-martial, which must never consist of a number less than *five*: because, let the proceeding or sentence be never so infamous, no particular member can be charged with it by the people, as every one of them will at least insinuate that he voted against it.

This, Sir, is another reason why I think, that the act of last session ought to be repealed; and as to the

new regulations thereby introduced, relating to ships of war wreck'd, or taken by the enemy, it was before in the power of the crown to continue the pay to those officers and seamen that had faithfully and diligently performed their duty, if not as pay, at least by way of gratuity; and I do not think, the continuance of the pay ought to be established by act of parliament, because the loss of a ship may be owing to some neglect, or act of imprudence, which it will be impossible to prove to the satisfaction of a court-martial under no manner of undue influence; therefore, I think, this matter ought to be still left at the discretion of the crown; and I am apt to think, that when a ship is entirely lost, it ought to be left to the discretion of the crew, whether they will continue under the command of their officers or no; because, if the majority of them approve of the conduct of their officers, they will, for their own safety, compel the rest to agree to it; on the other hand, if a ship should be lost by the ill conduct of the commanding officer, and the lives of the whole crew brought into immediate danger, I think, it is hard, nay, I believe, it will be impossible to compel them to submit any longer to his command; and if by mutiny they save their lives, they will of course turn pirates, or enter into foreign service, to prevent their being punished for that mutiny. 'Tis true, a case lately happened, where the greatest part of a crew exposed themselves to greater danger, by mutinying against their captain, than they could have done by submitting to the continuance of his command; but this will very seldom happen, and therefore I think the danger on the other side will be much greater and more frequent.

I have now shewn, I think, Sir, that if there be any inconsistency in our laws relating to the sea service, it proceeds from the ill concerted

certed laws that have been made since the year 1661. I remember, that several years ago some young gentlemen took it into their heads, that a new law was necessary for the amendment of our law in general, and the design became a topick of conversation in all companies, upon which a learned judge, now dead, observed, that the best way to amend our law, would be to repeal all the laws that had been made for that purpose within the last hundred years. I have the same way of thinking with respect to all the laws relating to the sea service passed since 1661, which convinces me that we ought to be extremely cautious of making any new law for regulating that service. By the well-concerted law passed at that time, and the custom of the navy established thereupon, our navy has been ever since so well governed, that we have successfully carried on four, I may say five, naval wars, and fought many a glorious sea-engagement; therefore I cannot think, that any new law is necessary, unless it be, as I have said, a law for repealing all the laws relating to the sea service, passed since the year 1661.

But now, Sir, with regard to the bill at present under our consideration, which has been so much and so often corrected and amended, that I may call what we have now before us the third edition, and what is surprising, this third edition seems to me to be the worst of the three; for some of the best clauses that were in the first are now left out, particularly that relating to store ships and transports employed in the government's service, the captains and crews of which were by the first edition of this bill made liable to the martial law, while they continued in that service. This was really a new and a useful regulation; and the first war you engage in, you will find it absolutely necessary to agree to some such regulation; for

by the want of such a one, the best concerted naval expedition may be disappointed. But as some people are fond of popularity, and will court it at any rate, this clause was made a sacrifice to that view, which is a sort of sacrifice I shall never make, let the consequence be what it will.

Thus, Sir, the bill has now made its appearance before us without any such clause to recommend it, nor has it, indeed, any one new clause to recommend it, but a great many clauses that ought, I think, to induce us to reject it; for the most of the objections I have made against our late laws, are rendered stronger by new improvements upon the respective clauses in this bill, and all the clauses in former laws, which I have objected to, are re-enacted by this. I shall not repeat any of the objections I have already stated against the act of last session, but I must take notice of some of the improvements made by this bill. Last year our naval lawgivers were, it seems, of opinion, that no court-martial ought to consist of above nine members, but this year they have altered their opinion, and increased the number to 13; and they have added a clause for preventing its being in the power of the admiralty or officer empowered to hold courts-martial, to direct or ascertain the particular number of persons of which any court-martial shall consist. I confess, I do not well understand the meaning of those two clauses; for tho' they do not expressly abrogate the old law, which obliges every captain who comes in sight of the flag to go on board and take his place in the court, yet they abrogate it in effect; because if there be already 13 there, the chance-comer cannot take his place, unless one of the others be obliged to retire. Suppose then that some of the 13 are his juniors, and that upon his taking his place the junior of them must retire.

retire. If this be the case, does not every one see, that increasing the number to 13 makes it more easy to have a pack'd court-martial, whose proceedings cannot be controuled by chance-comers, than if the highest number had been continued at *nine*? because, in the former case *seven* chance-comers must arrive, and all senior to the *seven* youngest that are there, before they can controul the proceedings of the court, whereas in the latter case *five* senior captains, arriving by chance, would do the business.

Courts-martial, Sir, are dangerous weapons in the hands of a wicked minister, but become much more dangerous, when they are put under such regulations as may enable him to pack them to his purpose. We, in this house, cannot approve of any such regulations: Our ancestors have often suffered by such pack'd courts of judicature. Thank God! we have, by a law obtained since the revolution, freed ourselves and posterity from that danger. No member of this house can now be try'd, unless by the whole body of his peers, or at least as many of them as can attend; and as we have freed ourselves from the danger of being try'd by a pack'd court of judicature, I hope, we shall never consent to any regulation, that may, in the least, expose any of our fellow subjects to the same sort of danger.

Then, Sir, as to the oath to be taken by the judges in a court-martial, it was before ridiculous, but now it is quite absurd. By the law passed last session, they were not to disclose the vote of any particular member of the court, *unless thereunto required by lawful authority*; but by the oath prescribed in the bill now before us, they are not to disclose the vote of any member, *unless thereunto required by act of parliament*. This puts it out of the power of either house of parliament to inquire

into the conduct of any member of a court-martial, unless the crown pleases to consent to an act for that purpose. Suppose a brave admiral should be condemned and shot by the sentence of a court-martial, pack'd for the purpose by a revengeful favourite minister; if this bill passes, even the parliament itself could not inquire into the proceedings of that court-martial, or punish any one upon that account, while that minister continued to ingross the ear of his master. We may all remember a late instance, where a brave admiral, I will not say, gloriously disobeyed his orders, but I may say, gloriously went a little farther than his instructions, and thereby acquired great honour to himself, and great advantage to his country. If such a bill as this had been then passed into a law, I believe, that admiral would have been in some danger of being tried and condemned by a court-martial.

This oath, Sir, is one of the most absurd that ever was invented; because it may prevent an innocent man from being able to justify himself against a prosecution at common law. We know, that the members of a court-martial may, by their proceedings, expose themselves to an action or prosecution at common law. A late court-martial in the *West-Indies* actually did so; and in an action brought against one of them here at home, he was cast in a large sum of money for what he did there as member of a court-martial; and a later and more famous court-martial, who certainly understood nothing of the common law, whatever they did of the naval, brought themselves into such a scrape as would have ruined them, if the learned judge they offended, had not been so much of a christian as to remember that prayer, *Good Lord, forgive them, for they knowu not what they do*. In all such cases, surely, any member of the court-martial

martial might justify himself by proving, that he opposed and voted against the illegal proceeding, upon which the action or prosecution is founded; but if this bill should pass into a law, it will be impossible for him to bring such a proof.

To what I have said, I must add, Sir, that this oath makes the increase of the number of which a court-martial may consist, still more dangerous; for if any jobb is to be done, the infamy must rest upon all the members present; and tho' every one of them may, and probably will privately insinuate that he voted against it, yet no one of them dare openly assert, much less prove, that he voted against it, which will of course render every one of them less concerned about the infamy they expose themselves to; for the burden of infamy is like all other burdens, the more shoulders there are to support it, the lighter it sits upon every one; and in a little time we may have such a number of court-martial jobbers, that they'll keep one another in countenance, which will make it easy for a minister to get them to do whatever he has a mind.

When I have said this, Sir, I cannot avoid taking notice of the extraordinary improvement made by the 5th article of war, by this bill to be established, and the restraining proviso in which this article is excepted. In the act of 1661, there is an article which says, that all spies shall be punished with death; but then that law concludes, as I have already said, with a general proviso, without any exception, that jurisdiction shall be thereby given only for such of the offences aforesaid as shall be done upon the main sea, or in vessels hovering in the main stream of great rivers, and only by persons in service and pay. Thus the jurisdiction given by that law is confined to proper places and proper persons; but the 5th

article of war in this bill says, that all spies, and all persons whatsoever, who shall be found to bring or deliver any seducing letters or messages from any enemy or rebel, or endeavour to corrupt any officer, A mariner, or other in the fleet, to betray his trust, being convicted thereof by the sentence of a court-martial, shall be punished with death; and this article is expressly excepted in the proviso, which confines the jurisdiction of courts-martial to offences committed upon the main sea, or in great rivers, and by persons in actual service and full pay; so that every man in the kingdom seems to be subjected to the jurisdiction of a court-martial, if he be accused of endeavouring to corrupt an officer C or mariner to betray his trust, and that whether the person accused be in pay or no, and whether the offence be alledged to have been committed at sea or at land. Nay, I do not know, but that the best lord in the kingdom may by this means D be subjected to be tried and condemned to die by a court-martial; and therefore if you go into a committee on this bill, I hope, the opinion of the judges will be asked upon this question.

I could mention, Sir, a great E many more inaccuracies in this bill, and dangerous consequences that may arise from its being passed into a law. In short, it seems to be a bill designed for extending the jurisdiction of courts-martial, not only over the whole *British* dominions, but to every *British* subject that resides in any part of the world, where the *British* flag can appear; for a *British* merchant at *Lisbon*, *Cadix*, or elsewhere, may be kidnapp'd on board, and tried for endeavouring to corrupt some of the officers or sailors to betray their trust. Therefore, if there were a necessity for a new bill relating to the sea service, this is not, I think, a proper bill for the purpose; but I have already declared, that

that I do not think any such bill necessary; I am sure, the necessity is not so urgent, especially, now in time of peace, as to require our passing some such bill, before the end of this session of parliament: However, if you incline to go into a committee upon it, I shall not be against it, and shall not therefore oppose the motion.

Upon this, Claudius Marcellus stood up, and spoke to the Effect as follows:

Mr. President,

S I R,

THE noble lord has been pleased to express great regard for the act of king *Charles II.* relating to the sea service, and for the admiral who, very probably, had a share in drawing it up: As to that admiral, I believe, no one can doubt my regard for him: He certainly deserved the honours that were conferred on him, and he no way merited the reproach cast upon him by the royal commander of our fleet at that time, as was in a few hours after made manifest by the event, and by his gallant behaviour and glorious death. But as to the act itself, I must confess, I have no great regard for it: So far as it goes, it is well enough; but it has many defects, and, therefore, if our fleet has been well governed, if it has acquired glory, those effects have been owing to the nature of the people, and not to the law, which is, in many respects, extremely deficient, some of which I shall beg leave to take notice of; and, first, with regard to spies; by the law, as it stands at present, no court-martial, either at home or abroad, can try or punish a spy, let the proofs of a man's being such be never so evident, unless he be a man at that very time in service and pay in the fleet, or ships of war; nay, if a man, not in service or pay, should get on board

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the fleet, or any of his majesty's ships of war, with a design to debauch the officers or sailors, and to persuade them to mutiny, desert, or run away with the ship, and such practices should be fully proved upon him, neither the admiral or commodore of a squadron, nor the commander of any single ship, has power to secure such a criminal: They may, indeed, turn him ashore, but they cannot legally confine him, in order to his being brought home and tried by the common law, which makes it very dangerous for our squadrons or ships of war to hover or anchor upon the coasts, or in the great rivers of any of those countries, where there are any *British* subjects, that are known to be disaffected to our present happy establishment.

Another great defect is this, Sir, that a man in service and pay, cannot by that law be tried or punished by a court-martial even of the squadron he belongs to, for any offence or crime committed on shore. This, 'tis true, was remedied by the act of the 6th of the late king, as to crimes committed on shore in foreign parts; but even the noble lord himself has allowed it to be a defect in the act of king *Charles II.* so far as relates to foreign parts not subject to the crown of *Great Britain*; and, notwithstanding what he has said, I must think, it was right to extend the jurisdiction of courts-martial to crimes committed on shore by persons in actual service and pay, even in our own plantations. If by the crime so committed any inhabitant of that plantation should be injured, to be sure, the admiral or commander would give up the criminal to be tried and punished by the civil power in that plantation; but when the crime relates only to the service, or to those only that are in the service, it was right to give the cognizance of it to a court-martial, tho' committed on shore. And as the

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men

men belonging to a squadron or ship of war must often be employed ashore, even here at home, as well as abroad, in several sorts of necessary service, such as fitting out the ship, or squadron, taking in fresh water or provisions, and the like, if A they then commit any crime, in which no man that is not employed in the service has any concern, I am of opinion, that such crimes should be made cognisable by a court-martial; for otherwise the men, when employed on shore about such necessary services, might not only neglect or disobey the commands of their officers with impunity, but might actually mutiny, and beat and abuse their officers, and the officers could have no remedy but an action at law, against fellows C from whom they could recover neither damages nor costs.

A third defect, Sir, in the act of king *Charles II.* and, indeed, in all our laws relating to the sea service, before that of last year, was, that if any admiral or commander of a D squadron should die, or be called home, or otherwise removed, the person succeeding to him in the command, could not call a court-martial without a new commission for that purpose; so that a whole squadron might, for a long time, remain with- E out a power to try any criminal, the consequence of which was a general encouragement to mutiny, and when men were accused of any crime, tho' perhaps falsely accused, there was a necessity for keeping them confined in irons till a new commis- F sion arrived. Of this inconvenience, Sir, we had a late remarkable instance; for when admiral *Vernon* got leave to return home from the *West-Indies*, Sir *Chaloner Ogle*, who succeeded him in the command, was a whole year without a power G to try or punish any criminal on board that numerous squadron, by the ship's being taken, which carried him a commission to appoint courts-

martial; and before advice could be had there or at home of the loss of that ship, and the ship with a new commission could arrive in the *West-Indies*, a whole twelvemonth had elapsed, which might have been of the most dangerous consequence, if that admiral had not been a man of great discretion, and well beloved in the navy.

A fourth defect, Sir, which was never remedied till last year, was that, if 20 commanders of men of war should arrive with their ships at any one port, yet no court-martial could be held for the trial of any offender or person accused, which was often found to be a great inconvenience, and sometimes was the occasion of innocent mens being kept for a long time confined. But a few years since, the captain of one of our men of war happened to take offence at his lieutenant, and confined him in irons. While he was thus confined, the ship arrived at *Lisbon*: There were, at that time, more than five men of war at that port: The lieutenant represented his case to the other captains and petitioned to be tried, but as none of them had a commission for calling a court-martial, no trial could be had, and the ship put to sea again with the first lieutenant still in irons. When they were at sea, they happened to come in sight of an enemy's ship, and were making ready to engage, but the captain then appeared so evidently to be mad, that the officers all agreed to confine him, and to give the command of the ship to the first lieutenant. Accordingly they set him at liberty, gave him the command, and after his fighting the ship bravely, and bringing her home, it was found, that he had never been guilty of any offence, but that his confinement was entirely owing to his captain's not being in his right senses. Thus not only a brave innocent man suffered a long confinement, but one of his majesty's Ships

ships was in danger of being lost, by the captains then at *Lisbon* having no power to hold a court-martial; for had they had such a power, the lieutenant would have been tried and acquitted, and the captain would probably have been confined, as being in his then condition incapable of having any command.

A fifth defect, Sir, and a defect not yet remedied, is, that if any of his majesty's ships should be attack'd by a superior force, and after a brave resistance reduced to the last extremity, yet if the captain should give orders to strike, or should yield up his ship to the enemy, he is, by the laws in being, to be punished with death, even tho' it should be proved, that his ship was in immediate danger of sinking. If captain *Watson* had not been killed in the engagement, I do believe he would not have yielded up his ship so soon as she was; but it is highly probable, that he would have been forced to yield at last; and yet if he had at last struck, in order to prevent the ship's being sunk, and his whole crew as well as himself drowned, he must have been tried by a court-martial as soon as he returned home, and must have been condemned to die by that court-martial, in pursuance of the articles of war as they are now worded: And if he had accordingly suffered, I am sure it would have been extremely cruel.

A sixth defect, which is likewise, Sir, a defect not yet remedied, is, that if any of his majesty's ships should take an enemy's ship, the captain must not, before judgment in a court of admiralty, order any of the goods to be taken out of the ship, except those above deck, and the ship's stores, even tho' the ship should be so shattered as to be in the utmost danger of sinking. And a seventh defect is really such a one as seems to be a scandal to the nation; for by the 9th naval order or article of war, established by the act of

king *Charles II.* it is said, That if a ship taken as prize make no resistance, none of the officers or mariners being foreigners, shall be ill treated; which seems to give leave to treat those ill that resist. A Thank God! Sir, our brave countrymen have always had too much generosity to make use of the leave hereby given them; but this is no excuse for the order itself. It is a reproach to us to have an article of war that gives leave for maltreating an unfortunate but brave enemy; and therefore, I hope, it will, by our passing this bill, be expunged out of our law books. Its remaining so long there has, 'tis true, redounded much to the glory of our brave sailors, but, I am sure, it has not redounded much to the glory of our lawgivers.

Beside these defects, Sir, and several more I could mention, I must observe, that there are many frauds, abuses and cruelties that may be committed on board his majesty's ships of war, and which cannot be punish'd by a court-martial, as our laws stand at present, because a court-martial can inflict no punishment that is not expressly appointed by the act of king *Charles II.* or warranted by the laws and customs used at sea before that act was passed. E False musters, for example, cannot now be punish'd by the sentence of a naval court-martial. It has been a practice too frequent, I believe, especially in the *West-Indies*, for captains of his majesty's ships to lend their men to masters of merchant ships, and lie in harbour till those men returned. It has been known, that a captain of a 20 gun ship, which should have 130 men on board, has lent out 100 at a time. The men find their account in it, because they have higher wages from the merchants, and in consideration of this they assign their pay and provisions on board the king's ship to the captain or some trustee for him; but during the whole time

of their absence, the government is cheated, and the publick service neglected; nay, we have had disputes between captains about men belonging to one of his majesty's ships, who have been pressed out of the merchant service by the captain of another. This practice may be of the most dangerous consequence, in time of war, and yet it cannot be punish'd any other way than by cashiering, which is far from being an adequate punishment, because it is so seldom that any such practice can be proved.

There are likewise, Sir, many sorts of cruelties which may be exercised on board his majesty's ships, and cannot be punish'd by the sentence of a court-martial. But lately a captain was accused of beating a man on board his ship, for a small fault, in the most cruel and merciless manner: The fact was fully proved, but no proper punishment could be inflicted. And then as to frauds, they appear in so many different shapes, that it would be tedious to give an account of all that have come to my knowledge; therefore I shall mention only two. Some years since, a captain of one of his majesty's ships had the good luck to take a very rich prize: He was not content with his own share, but he resolved to cheat one of his midshipmen out of his: With this view, about two months after the prize was taken, he falsifies the books of the ship, gets this midshipman enter'd as a common man, and a relation of his own then on board, enter'd as a midshipman. This was fully proved, but a court-martial could give no redress, nor inflict any punishment. The other fact I shall mention is of a rich man of war of 74 guns, which was drove ashore in the *West-Indies*, by one of our squadrons there: As soon as she was aground her crew deserted her, and our commodore sent an officer with a proper number of men, and with orders to bring her off, or if that could not be accomplished, to set her

on fire: Accordingly, the officer and his men landed, and some time after they landed the ship was seen in a blaze. The officer returned to the squadron, and it was supposed, that he had done nothing but his duty.

A But some time after, it began to be whispered among the men, that the ship might have been easily got off, being a strong new ship; but that the officer had plundered her privately of a great deal of money and jewels, and had then set her on fire, to conceal the theft he had committed. Upon this he was called before a court-martial, the fact was fully proved, but the court could pass no sentence, nor inflict any punishment; tho' he highly deserved death for depriving his country of such an useful and valuable prize.

C In these and many other such cases, Sir, all that the court-martial could do, was to report the facts as fully proved, to the board of admiralty; and all that board could do was to cashier the officer, a punishment generally too mild for the crime committed. It must therefore be allowed, that in the act of 1661, there are a great many defects; and, indeed, I am no way surpris'd at that act's being in so many respects deficient, when I consider with what precipitancy it was pass'd; for by the journals, I find, that it was but a few days under consideration in the other house, and much fewer in this.

I hope, Sir, I have now shewn to the satisfaction even of the noble lord himself, that a new law is necessary for the right government of his majesty's navy and ships of war. It is what has been long wanted, and loudly called for, by all those of my acquaintance that have any concern with the navy. If there be any defects or imperfections in the bill now before us, I will say, they are not owing to those that had first the care of drawing it up. The bill has certainly undergone several alterations, I will not say amendments, in the

the other house, but those alterations were not agreed to with a view to gain any popular applause or favour. Many of them were submitted to thro' necessity, not choice; for when a law must have the approbation of a popular assembly before it can be established, the promoters of it must depart from several of their first opinions, and give up several clauses they may think right, in order to obtain the approbation of that assembly; and however much the noble lord may despise popular applause, or popular favour, while we retain our liberties, it must be courted, and indeed ought to be courted, as far as may not be absolutely inconsistent with justice and publick good.

I should now, Sir, answer the objections made by the noble lord against the bill, but as the objections he made, were not against the general scope or frame of the bill, but only against some particular clauses, and as those clauses may be amended in the committee, if the objections should be there found to have any weight, I shall suspend what I have to say in answer to those objections, till you go into a committee on the bill, when I hope to shew, that none of them have any solid foundation; for which reason I shall now conclude with this general observation, That the salvation of every thing that can be dear to us depends now, more than ever, upon our navy, that the discipline of the navy cannot be preserved without lodging a power in courts-martial sufficient for that purpose, and that we may extend this power with the more freedom, because as parliaments must now be annual, if any court-martial should make a bad use of the powers they are intrusted with, the members thereof may the very next session be severely punished by an inquiry and prosecution in parliament, which is a check, that will, I believe, effectually keep them within the bounds of their duty.

To this C. Claudius Nero replied in Substance as follows, viz.

Mr. President,

S I R,

I Was glad to hear the noble lord express a regard for the admiral who, as he says, had probably a share in drawing up the navy-bill, which was passed into a law in 1661. In my opinion, that admiral had not only a share, but the chief share in drawing up that bill. The clerks of parliament might perhaps be employed to dress it up into a form, but the whole substance of it, I am convinced, was dictated by him, because he was not only the most capable, but the admiral in the greatest favour at that time, and most justly in the greatest favour, for he was esteemed by all mankind, and never blamed by any but that unfortunate prince, the then duke of *York*, whose conduct afterwards shewed, that he was as bad a judge of measures as of men.

D After having done this justice, Sir, to the admiral, I shall next endeavour to do justice to his offspring, I mean the law, which we are now going to expunge out of our records; and this I shall do by making some remarks upon what the noble lord

E has been pleased to charge as defects in that law, which I shall shew to be either no defects, or such as ought to be charged to misconduct, or the ignorance of courts-martial, and not to the law. The pretended defect relating to spies, is so far from being

F a defect, that it is a proof of the virtue of the draughtsmen and promoters of that law. They had such a regard for the constitution of their country and the liberties of their fellow subjects as to think, that no military court ought to have jurisdiction over any but such as were in military service; and therefore they confined the power of courts-martial, even with respect to spies, to those that were in service and pay. Can this

restric-

restriction ever be attended with any inconvenience to the service? No man can be a spy on board our fleet, unless he be in service and pay, because none but such ought to be admitted on board, when there is danger to be apprehended from any discovery, either of their strength or designs; and if a man, in no service or pay, should be taken up as a spy in any of our sea-port towns, surely he ought to be tried by our common-law courts, and not by a court-martial, especially if he be a subject of *Great Britain*; but now, it seems, in order to enable courts-martial to punish spies, we are to subject every *British* subject to the danger of being kidnapp'd or seduc'd on board a man of war, and there tried by a court-martial, for being a spy, or for endeavouring to corrupt the sailors to betray their trust.

Then, Sir, with regard to crimes or offences committed on shore, by officers or seamen in actual service and pay. In this too the legislators of 1661, shewed a due regard to the constitution and liberties of their country; nor can this regard ever be detrimental to the sea service; for when part of the crew of a ship or squadron are employ'd on shore, in any service necessary for the same, they must return on board as soon as that service is performed, otherwise they may be tried and punished by a court-martial for desertion. Can we suppose, Sir, that a sailor will venture to disobey, much less abuse or beat his officer, on shore, when he knows, that he must presently return again on board, and remain there, perhaps for many months, under the absolute command of that officer? It is not possible to suppose any such thing, and accordingly we find, that after so many years experience, there has never been any such complaint. The danger of the service suffering by the want of any such power in courts-martial, must, therefore, be altogether imaginary; and surely we

ought not to give up the liberties of the subject, for the sake of guarding against imaginary dangers.

Besides, Sir, if this were a defect in the law of 1661, it can be no reason for a new law, because it is already sufficiently, and I think more than sufficiently provided for by the law of the 6th of the late king; and one of my chief objections against the bill now before us arises from its extending the jurisdiction of courts-martial to offences committed on the shore even here in *Great Britain*, which I cannot but look on as a beginning to incroach upon the common law; and in such cases *principiis obsta* is a maxim I shall always observe.

As little do I think it a defect in the law of 1661, to enact generally, that whoever shall yield or cry for quarter, shall suffer death, or such punishment as the offence deserveth; because, Sir, in all such cases, necessity is tacitly excepted; but by enacting thus generally, you throw the proof of the necessity upon the officer who yields up his ship to the enemy; whereas by enacting, as you have done in this bill, that the person who treacherously or cowardly yields, or cries for quarter, shall suffer death, you load the crown or prosecutor with the proof of that treachery or cowardice, which, I believe, in most cases will be found very difficult. This is, therefore, creating instead of supplying a defect; and if any new war should ensue, I shall expect to hear of officers yielding up their ships in a cowardly manner, without meeting with that punishment they justly deserve: While on the other hand, no man can pretend, that ever any officer suffered for the loss of his ship, if he proved, that he defended her gallantly and to the last extremity.

What was mentioned by the noble lord relating to the goods on board a ship taken as prize, I must likewise think, Sir, to be very far

from being a defect. A case of necessity is there also understood to be tacitly excepted; and, I think, it is better to leave it to be implied than to have it expressed; for here likewise it may make a very material difference as to the proof: Upon the old law the accusation run for taking such goods out of such a prize ship, and the accuser was only obliged to prove that they were taken out: The officer alledged, in his defence, that they were taken out through necessity, because the ship was in danger of sinking, or the like, and this he was obliged to prove. Whereas, by the clause or article as it is now worded by this bill, the accusation, I fear, must run, That the goods were taken out of the prize ship without any necessity; and unless the accuser can bring some sort of proof, that there was no necessity for such taking out, he will not be able to support his accusation, or to oblige the officer to bring any proof of the necessity he was under. In this respect, therefore, if there be any difference between the old law and the law now proposed, it is in favour of the old law; because by the old law no dutiful officer can suffer, but by the new law, if interpreted as I have suggested, a very undutiful officer may escape punishment.

Another defect, Sir, which I can think no defect at all, is that the noble lord was pleased to exclaim against as a scandal to the nation, and a reproach to the legislature; and by which, he said, that leave seemed to be given to our sailors, to maltreat a brave, but unfortunate enemy. I am as much for treating such an enemy with generosity and humanity, as any man can be; but in all cases, I think, except where a ship makes no resistance, this ought to be left to the discretion of our officers and seamen, or at least of the crown. I do not think we ought to make a

standing law for preventing the crew of an enemy's ship from being stripped or pillaged, unless all the nations we can ever have any war with, would agree to establish the same sort of law with respect to us.

A It may be right to prevent, by a standing law, the crew of an enemy's ship that makes no resistance, from being stripped, pillaged, or any way ill used, because it will be an inducement to make no resistance when they have little or no hopes of escaping; but in all other cases our seamen ought to have a liberty, at least, to treat an enemy when taken, in the same manner that enemy treats them when taken; and therefore I must think, that by the bill now before us, we are marring instead of mending the law of 1661.

As to the several other pretended defects in that law, Sir, they appear to be such either from our own misconduct, or the ignorance of our courts-martial, or rather our judge advocate. When an admiral dies, or is removed, I know, that he who succeeds in the command, cannot call a court-martial without a new commission; nor can an admiral, who detaches a part of his squadron, give a commission to the commander of that detachment to hold courts-martial; but both these inconveniences proceed from the form of the commission: And as such commissions are not of any antient date: As the power of granting them is not by the common law or prescription, but proceeds entirely from the statute of 1661; and as the words of that statute do not prescribe any particular form, I do not see, why the lords of the admiralty may not alter the form without an act of parliament; for if the commission were directed to the admiral of such a squadron, or any person succeeding him in the command thereof, and his deputy or deputies, both these inconveniences would be prevented.

As to the inconvenience arising from no man's having a power to call a court-martial, tho' a number of his majesty's ships should meet together in any foreign port, it may be easily remedied by giving such a commission to the senior captain upon every foreign station; and as to cruelties and barbarities exercised by officers on board, they may be punished by prosecutions at common law, as soon as the ship arrives at any port within his majesty's dominions, to which, I think, they ought to be left exposed, lest they should be encouraged by the favour of the officers upon the bench of a court-martial, to their brother officer at the bar.

Lastly, Sir, as to the false musters, and every fraud that can be committed by officers or seamen in his majesty's service, they may, I think, be sufficiently punished by our courts-martial, if such courts will but make use of the power given them by some of the articles of war in the act of 1661, especially the 33d article thereby established. For example, if I had been upon a court-martial to try the officer who burnt the 74 gun ship, in the manner mentioned by the noble lord, I should have made no difficulty to find him guilty of a breach of the 26th article of war, which inflicts the punishment of death upon any one that shall willingly set fire to a ship not appertaining to an enemy; for that ship did not, at the time he set fire to her, belong to an enemy, but was by law the property of the squadron or ship he belonged to. But when courts-martial are composed of men who have as little judgment as they have knowledge of law, and directed by a judge advocate in both respects as deficient as themselves, I do not wonder at their extending their power sometimes farther than they ought, and at other times not so far as they may.

The last of these two failings is, however, the least dangerous, and that which, I believe, they will be most seldom guilty of. For this reason, Sir, I am against extending their power; for I shall always chuse rather, that courts-martial, either by sea or land, should now and then be obliged to extend their power farther than the strictness of law will admit of, and plead the necessity of the service for their excuse, than that they should be enabled by law to extend their power farther than is consistent with the safety of the lives or liberties of the subject.

Having now, Sir, done justice to the law of 1661, as well as to the great admiral who was the adviser and promoter of it, I must observe, that the short time it required, in passing through both houses of parliament, is rather an argument in its favour than against it. When a law is wisely concerted, well digested, and skilfully drawn up, it passes quickly through both houses, because it meets with no opposition, and requires very few amendments. If any wrong head opposes or offers an amendment, his objections, or arguments, are presently answered to the satisfaction of the house: He is deserted by his friends, and his amendment rejected, which discourages any new objection or amendment. But when an unnecessary or imperfect bill is brought into such a numerous assembly, it presently creates an opposition, some right amendment is offered, this amendment is agreed to, and this is an encouragement to every man to offer his amendment. Some are rejected, many approved, every one occasions a debate, and thus the bill happens to be hung up for several weeks in each house of parliament. Whether this will be the fate of the bill now before us, I do not know: It has been, I think, above nine weeks in the other house: How long it will be in this, I cannot

not foretel; but as many of the clauses, in my opinion, still stand in need of amendments, it must yet remain several days in this house, if you resolve to pass it into a law; and as I think the bill quite unnecessary, and incapable of being made a good one, I shall not give myself or you the trouble to propose any amendment.

[This JOURNAL to be continued in our next.]

From the Philosophical Transactions.

AFTER a long discourse on the *Phænomena* of electricity, Mr. *Watson* proposes the following queries.

1. Whether or no the effects we observe, in bodies being drawn to and driven from either excited originally-electricks, or excited non-electricks, are to be attributed to the flux of electrical æther?

2. Whether or no, that, which, from its being first discover'd in amber, we call electricity, electrical æther, electrical power, &c. is any other than elementary fire?

3. Whether or no this fire does not appear in different forms, according to its different modifications? Does it not, when diffused under a large surface, appear to affect us as air? When brought towards a point, does it not become visible, as lambent flame? When nearer still, does it not explode, and become the object also of our feeling as well as of our hearing? Altho' it does not affect our skin with the sensation of heat, does it not, by its lighting up inflammable substances, shew itself to be truly fire?

4. Whether or no this fire is not connected intimately with all bodies at all times, tho' least of all, probably, with pure-dry air? Have we not found and separated it from water, flame, even that intense one of oil of turpentine, smoke, red-hot iron, and from a

mixture 30 degrees colder than the freezing point?

5. Have we not proved its subtilty, from its passing thro' all known bodies?

6. May we not infer its elasticity likewise from its explosions, from its increasing the motion of fluids, as well as from its effect in the concussion of our bodies, when we discharge it after we have accumulated it in water?

7. May not the electrical machine, from its uses, be denominated a fire-pump, with equal propriety as the instrument of *Otto Guericke* and *Mr. Boyle*, that of the air?

8. Does not the power we are now masters of, of seeing the separation of fire from bodies by motion, and of seeing it restored to them again, and even after that motion has ceased, cause us rather to incline to the opinions of *Homburg*, *Lemery* the younger, *s'Gravesand*, and *Boerhaave*, who held fire to be an original, a distinct principle, formed by the Creator himself, than to those of our illustrious countrymen, *Bacon*, *Boyle*, and *Newton*, who conceived it to be mechanically producible from other bodies?

9. Must we not be very cautious, how we connect the elementary fire, which we see issue from a man, with the vital flame and *Calidum innatum* of the antients; when we find, that as much of this fire is producible from a dead animal as a living one, if both are equally replete with fluids?

10. Whether or no it is not highly probable, that, by increasing the number and size of the phials of water in a certain manner, you might instantly kill even large animals by the electrical strokes?

G Some Considerations on the natural State and Uses of the Tongue, in order to account for the Case of one *Margaret Cutting*, who speaks distinctly, tho' she has lost the Apex

M m

June, 1749.

and Body of her Tongue; as it was address'd to the Royal Society, by James Parsons, M. D. F. R. S *.

THE tongue is a fleshy substance, chiefly made up of muscles; and consists of a *basis* or root, a *body*, and an *apex*; the *basis* is the thickest and most substantial part, contains the *os hyoides*, and is naturally situated very low in the throat: From which the *body* rises upwards and forwards, and is terminated by the anterior part or *apex*; proceeding under the *uvula* and roof, and lying upon the floor (if I may so call it) of the mouth. As to the more particular description of all its other parts, I cannot apprehend it is at all necessary here.

As to its uses, it is said to be the instrument of *speaking* and *tasting*; as to the latter, experience shews us, that the very *apex* of the tongue is less capable of discerning tastes than the next part to it, and this than the parts yet farther back, all along the *body* to the *root*; so that altho' the taste of any thing is first perceived by the *apex*, yet the gust increases, the more the morsel approaches to deglutition, until it is quite protruded into the *gula*; because, as the tongue grows more thick backwards, it contains more of the nervous *papillæ* than the smaller part, and also because there is a capacity of tasting in the membranes of the back part of the roof to the root; as if Nature intended to increase the gust, that deglutition may be the better and more eagerly performed for the service of the animal: Hence, altho' the *apex* and *body* of the tongue be gone, yet there is not a depravation of taste, which is the case of the person now under consideration.

As to *speech*, which is only sound or voice articulated into expression, the tongue is not the *sole* organ for such articulation; the *lips*, *teeth*, and *roof* of the mouth are instruments also for the same purpose; the two latter for the necessary resistance to the *apex* of the tongue, and the *lips* for the absolute articulation and pronunciation of many letters; however, the following short examination of the letters of the alphabet, as expressed by these organs, will demonstrate it.

The tongue expresses some letters with its *apex*, and some with its *root*.

Those absolutely proper to the *apex* are only five, *d, l, n, r, t*.

And those to which it only assists are the following letters, as *c, g, s, x, z*; all which can be performed by the teeth alone, and which this person does very well.

Now the lip letters, and those expressed by the root of the tongue, she also performs as well as any person; the former are *b, f, m, p*; and the latter are *k, q, x*; and as to the vowels, and the aspiration *b*, since they are chiefly sounded by the exhalation of the voice, commanded partly by the lips in widening or straitening the capacity of the mouth, these she can also express; so that there is no letter, she cannot pronounce but the five *apex* letters; and those she manages so well by bringing the under lip to the upper teeth, in the course of her conversation, that any one can instantly apprehend every word she says; and she further plainly proves the lips are a better *succedaneum* to the *apex*, than that could be to the lips, if they were wanting.

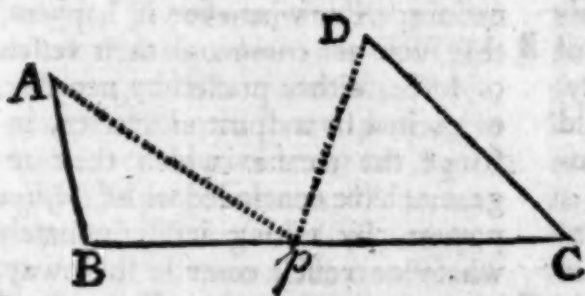
Indeed,

* The apex (or tip) and body of the tongue (being the only parts that naturally fill the cavity of the mouth) are entirely wanting in this woman, as closely to the region of the *os hyoides*, which is the root of the tongue, as can well be conceiv'd; and which is now situated too low in the throat to be perceiv'd, even when she opens her mouth at the widest. If the mortification had reached the *os hyoides*, it must have reached, and destroy'd the muscles of the larynx, and then the voice would have been destroy'd, and also those of the pharynx, and then deglutition could never have been perform'd; the dreadful consequences of which need not be enumerated; but she swallows well, and her voice is perfect, and therefore it is not very extraordinary she should command her voice by the proper muscles which remain untouch'd: She also has her taste perfectly.

Indeed, it is natural enough for those who make the tongue the absolute and sole instrument of speech, to imagine it as absurd to say a woman spoke without a tongue, as that she saw without an eye; but when we consider the provisional assisting organs ordain'd by the wise Author

of providence, serving to this necessary and expressive accomplishment, I hope it will not seem so extremely marvellous, that she speaks without the *body* and *apex* of her tongue, as to create any further doubt of the matter.

A GEOMETRICAL PROBLEM.



Given, the lines AB, BC, and CD, in magnitude and position; to determine analytically the point *p*, in the line B *p* C, to which the lines A *p* and D *p* being drawn, their sum shall be a minimum.

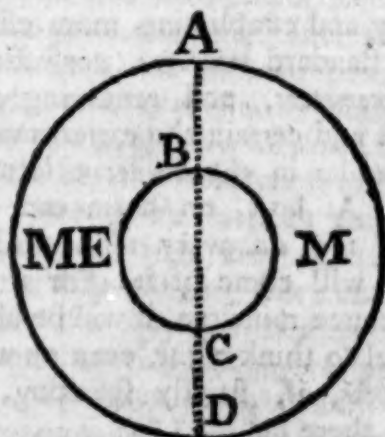
Of an Invariable Dimension.

By ROBERT DOUGLAS, M. D. B

IT has been long since an acknowledged truth, that heat dilates, and that cold, on the contrary, contracts all bodies, solid or fluid. But heat and cold are continually fluctuating, and variable, as is evident, by a very pretty experiment of a spirit-of-wine *Thermometer*, with a large ball, and a very small tube; where one may see the column of liquor, in an incessant tremulous, and subsultory motion, somewhat resembling the startings and sallies of a person convulsed;—from which we may infer, that bodies are never for two successive moments of the same size, or bulk, but are perpetually undergoing changes, and alterations in their dimensions, proportioned to the vicissitudes of heat and cold.

This perpetual fluctuation of dimension by heat and cold, I humbly apprehend may be remedied, as follows:

Let MM be a ring of any metal, BC the diameter of the bore, AB or CD the depth of the ring; now AB being equal to BC, it follows, that BC is the invariable dimension sought,



For it is evident, that the diameter BC will be elongated by heat, as the circle BCE dilates itself: but the heat, at the same time, elongates AB; which bearing the same proportion to the circle BCE as AB does, it follows, that the diameter BC will be as much diminished by the elongation of the line AB, as it is increased by the dilatation of the circle BCE, i. e. it will remain of the same length—thus BCE is acted upon by two powers, the one enlarging, and the other contracting it, at the same time; which as they exactly counterbalance one another, so by consequence they must destroy each other's effects.

I believe I need scarcely remark, that the bore of the ring is diminished

M m 2

by

by the elongation of AB only, and not by $AB + CD$; because, as AB stretches itself out by the heat, but the one half of the effect is exerted towards B; the other half spending itself the opposite way, *viz.* at A; and this too being the case with CD, it follows, that BC will be diminished by the elongation of $\frac{1}{2}$ of $AB + CD$, or, which is the same thing, by AB only.

Hence, supposing the above figure to be the transverse section of a hollow sphere, that hollow sphere will be an invariable *measure of capacity*. And 'tis evident the same will hold true, if the figure, instead of circular, be square.

Thus then may be had an invariable *measure* both of *application* and *capacity*, which may be of use in fixing and establishing more effectually standard *measures*, perfecting of *thermometers*, and rendering more exact and certain the experiments of *pendulums* in the different latitudes, &c. At least, no harm can ensue from the discovery of a truth, let what will come of it: For if I be not much mistaken, it will be always useful to think right, even on useless subjects, if, strictly speaking, any such there be.

An Historical Narrative of the Piratical States of BARBARY.

THE insolent behaviour of the *Algerines*, in seizing one of our packet-boats in her passage home, carrying her by force into *Algiers*, and pillaging her there of jewels and gold to a considerable value (*see p. 242.*) is in itself an action very extraordinary as well as very unlooked for, considering the respect which for so many years that regency, from very just motives, had constantly shewn for the flag of *Great Britain*. It is therefore not at all strange, that we find this transaction very much insisted upon in foreign *Gazettes*, or that all nations of *Europe* should have their

eyes upon our conduct, in an affair, which, as a maritime power, concerns us so nearly, and which in its consequences must be of very great importance.

The piratical states in *Barbary*, *viz.* *Algiers*, *Tunis*, and *Tripoli*, are naturally subject to very great disorders in their government; and it happens very unluckily, that those disorders do not barely affect them, but are likewise dangerous to other nations. For whenever it happens, that such as command their vessels of force, either pressed by necessity, or excited by a spirit of avarice, infringe the treaties which their regencies have concluded with *Christian* powers, by taking indiscriminately whatever vessels come in their way, it creates many inconveniences; and tho' obtaining satisfaction is a thing absolutely necessary, yet it is not a point easy to determine how redress is to be had.

One of the best methods of attaining the lights requisite in such a case, is to consider what the practice has been in former times; and the shortest method of doing this, is to enquire when the last differences happened between us and them, and with what consequences they were attended. With this view the following facts have been thrown together; from whence it will appear, that we stand indebted for the reverence so long shewn to the *English* flag, to the intrepid behaviour of Sir *Claude* *Shovel*, when he was a very young man, and served under the famous Sir *John* *Narborough*, one of the ablest seamen, as well as one of the bravest officers, in those times.

After the close of the second *Dutch* war, our merchants in the *Mediterranean* found themselves very much distressed by the piratical state of *Tripoli*, who, notwithstanding several treaties of peace that had been concluded with them, began to commit fresh depredations when that war broke

broke out, and continued them still. As soon therefore as the king (*Charles II.*) found himself at leisure, he ordered a strong squadron in those parts, to repress the insolence of those corsairs, under the command of Sir *John Narborough*, who arrived before *Tripoli* in the spring of the year 1674, where he found all things in very good order for his reception.

The appearance of the enemy's strength, joined to the nature of his instructions, which directed him to try negotiation rather than force, determined him to send a person, in whom he could confide, to the *Dey* of *Tripoli*, to propose terms of accommodation, and those too very moderate in their nature; for he desired only satisfaction for what was past, and security for the time to come.

The admiral entrusted Mr. *Shovel* with this message, who accordingly went on shore, and delivered it with great spirit. But the *Dey* despising his youth, treated him with much disrespect, and sent him back with an indefinite answer. Mr. *Shovel*, on his return to the admiral, acquainted him with some remarks he had made on shore: Sir *John* sent him back again with another message, and with proper rules for conducting his enquiries and observations. The *Dey's* behaviour was worse the second time; but Mr. *Shovel* bore it with patience, and made use of it as an excuse for staying some time longer on shore.

When he returned, he assured the admiral, that it was very practicable to burn the ships in the harbour, notwithstanding their lines and forts; accordingly in the night, March 4, lieutenant *Shovel*, with all the boats in the fleet, filled with combustible matter, went boldly into the harbour, where he seized the guard-ship, and afterwards burnt the following vessels, which were all that lay at that time in the harbour, viz. the *White Eagle* crowned, a 50 gun ship; the *Looking-Glass*, which

carried 36; the *Santa Clara*, of 24; and a *French* vessel, of 20; after which he safely returned to the fleet, without the loss of so much as one man.

This extraordinary action struck the *Tripolines* with amazement, and made them instantly sue for peace; which, however, did not immediately take place, because they absolutely refused to make good the losses sustained by the *English*. Sir *John* thereupon cannonaded the town, and finding that ineffectual, landed a body of men about 20 leagues from thence, and burnt there a vast magazine of timber, which was to have served for the building of ships. When all this failed of reducing the people, Sir *John* failed to *Malta*; and, after remaining there for some time, returned suddenly upon the enemy, and distressed them so much that they were glad to conclude a peace on the terms prescribed.

Soon after the conclusion of this peace, some of their corsairs returning into port, not only expressed a great dislike thereto, but actually expelled the *Dey* for making it, and began to take *English* ships as before. Sir *John* being still in the *Mediterranean*, and having notice of what passed, suddenly appeared with 8 frigates before *Tripoli*, and began with such violence to batter the place, that the inhabitants were glad once more to renew the peace, and to deliver up the authors of the late disturbances to condign punishment.

In 1679, we had some differences with the *Algerines*, on account of their making prize of *English* ships, under pretence that they were not furnished with proper passports. Upon this Sir *John Narborough* was sent with a squadron to demand satisfaction, which he did, and procured also a new alliance by dint of force. The peace, however, did not last long, for in a year or two they committed the like outrages; upon which commodore *Herbert*, afterwards so well

well known to the world by the title of *Earl of Torrington*, went thither with a few ships, and compelled them to make satisfaction for what was passed, and to give the strongest assurances of their acting in another manner for the future.

As the Pope has lately, by circular Letters, given a general Invitation to all the European Princes to be present at his Capital City, on the Day of the solemn Celebration of the approaching Jubilee, we imagine it may be some Amusement to our Readers, to be previously acquainted with the Form of that grand Ceremony, as it was exhibited at Rome on Dec. 24, 1725; of which there was published the following Account.

Rome, Jan. 6, 1725.

THE term of 25 years for opening the *holy gates* of the 4 great churches, and for obtaining the indulgencies of the *Universal Jubilee*, being expired, *Benedict XIII.* desirous to shew all the *Christian world* the power and authority, which the Almighty Being has put into his hands, first repaired to the vestry on the 24th ult. where having put on the pontifical vestments, he proceeded in this pompous dress to *Sixtus's* chapel, and offer'd incense to the *holy sacrament* which was there exposed, according to custom. This ceremony being ended, his holiness began the *Veni creator*; and while that hymn was singing, he got into his chair, and staid till it was over.

Then the clergy began the procession, the pontiff being carried in his chair, under a canopy, supported by the *referendarius of the signature*, dress'd in his cope and mitre, and holding a burning taper in his hand. He was surrounded by his grooms in long red robes, and his mace-bearers, messengers, and the *Swiss guards*. The clergy of both orders plac'd themselves according to their ranks in the square before *St. Peter's*, and reached as far as the *obelisk*, set off with their finest and richest orna-

ments. The portico of the great church of *St. Peter* was adorn'd with the most exquisite tapestry; as were also the balconies for the *Chevalier de St. George*, and for the princes and ladies of quality.

A The pope being come to the place of ceremony, got out of his chair, and seated himself on a magnificent throne, erected for that purpose. The penitentiary fathers ranged themselves on one side of the *holy gate*, having at their head, cardinal *Conti*, the great penitentiary. Then his holiness came down with his lighted taper in one hand, and a hammer of polished gold in the other, and having repeated this verse, *Open unto me the gates of righteousness*; and the singing men made the following response; which when I have enter'd, I will give glory unto the Lord; *Benedict XIII.* gave the first blow with his hammer.

Before he struck the second blow, his holiness repeated this verse, *I will enter, O Lord, into thy house, and with holy fear will I worship in thy temple.*

At the third stroke, he repeated this other verse, *Open the gate, because the Lord is with us, who is mighty in Israel.* Then the pope took off his mitre, deliver'd his hammer to the grand penitentiary, and reascended the throne, where he sat while the masons, &c. pulled down the wall of the *holy gate*, and carried off the stones upon hurdles. Then the pope stood up bareheaded, and said, *The Lord hear my prayer; and let my cry come unto thee.* And turning towards the standers-by, he said to them, *The Lord be with you.* Then he continued to pray thus, *O Lord, we pray thee to prevent our actions by thy grace, and to continue thy assistance to us, to the end that all our prayers, and all our actions may end, as they begin, with thee.*

After this the musicians struck up the 99th Psalm: *Sing all ye inhabitants of the lower world.* During which

which they cleared the entrance of the gate from the mortar and loose stones, with which it was encumbered. The *penitentiaries* washed the leaves of the gates with sponges, soak'd in consecrated water, and adorned it with precious veils. Then the pope rising up bareheaded, said, *This is the day the Lord hath made; blessed are thy people, O Lord, this is the gate of the Lord; and he concluded with the following prayer.*

"O God, who didst enjoin the children of *Israel* by thy servant *Moses*, to celebrate the year of the *Jubilee* and the remission of sins. grant that we, who are thy servants, may celebrate the year of the said *Jubilee* which thou hast established by thy authority; and that thy people, who are to pass thro' this gate, which thou hast been graciously pleased that we should open, to put up their prayers to the divine majesty, may happily begin this year, and that having obtained a full and entire remission of our sins, we may at the moment of death be called to thy glory."

When this prayer was ended, the pope sat down, put on his mitre again, and then descended to the *holy gate*, where he uncovered himself, and kneel'd down upon a cushion of white damask: Then taking the *cross* in his right hand, and the burning taper in his left, with a strong voice, he struck up *Te Deum*, which was continued by the musick. Then letting go the *cross* and taper, he entered thro' the *holy gate*, and went to the chapel of the *Crucifix*, which is contiguous to it. There he placed himself on a throne erected on purpose for him, and calling to the knights of *St. Peter* and *St. Paul*, he admitted them to kiss his feet, after which he exhorted them to take care of the *holy gate*.

The cardinals followed two and two, with tapers in their hands, kissing the threshold of the gate, and after them the archbishops, bishops,

abbots, penitentiaries, the duke of *Graviana*, the servitors of *Rome*, the foreign ministers and nobility. The ceremony was concluded by the homage which the cardinals paid to the pope in the chapel of *Sixtus*, to which he was conducted in procession. Monday, being *St. Stephen's Day*, the pope gave his blessings to the people from the balcony, as usual, while there was a general fire from the castle of *St. Angelo*, and from the musqueteers of the pope's guard.

There happening a warm dispute betwixt the cardinal *Conti*, and *M. Gambarucio*, master of the ceremonies, which was intitled to have the the keeping of the hammer, which the pope used to open the *holy gate* of *St. Peter's*, they agreed to put it to the reference of *Infallibility*, who, to put an end to the controversy, has ordered it to be returned to the family of *Altiori*. The pope, according to the custom of the *holy year*, has appointed a new governor of this city, who is signor *Mexxabarba*.

An Historical Account of the Whale-Fishery, and the Advantage it might be of to this Nation.

IT was towards the latter end of the 16th century, that the whale-fishing on the coast of *Spitzbergen* became considerable, and was entirely in the hands of the *English* till the year 1578. This commerce was managed by a company which sent thither annually a few ships, and they actually excluded the rest of their countrymen, and endeavoured to exclude foreigners. In 1613 they sent a squadron of 7 sail, which found there 15 *Dutch*, *French*, and *Flemish* ships, besides *English* interlopers. The next year the *Dutch* sent 18 sail, of which 4 were men of war. And in 1615 the king of *Denmark* sent a squadron of 3 men of war, to assert his exclusive right; but with such indifferent success, that he

he thought fit to give up the point. In 1617 our company were more lucky than in any other year, and in consequence made 1900 tun of oil. The *Dutch* made for many years after very indifferent voyages; and, as their great statesman M. *de Witte* well observes, had certainly been beat out of the trade, if it had not been laid open by the dissolution of their *Greenland* company, to which he attributes their having beat the *English* and almost all other nations out of that trade, which they carry on to a prodigious advantage. And, as the same great author observes, it is the best nursery for their boldest and most hardy seamen.

It is agreed by the *Dutch* authors who have written on whale-fishing, that the most fortunate season they ever had, was in 1697. We will therefore consider the state of this fishery for that year, in order to settle the profits of it, and will afterwards compare it with accounts received from *Holland* of the fishery for 1744, that we may the better judge how things now stand. In 1697 there were 201 vessels of several nations employed in the fishery on the coast of *Greenland*; of these the *Dutch* made 129; but 7 were lost upon the coast. The *Hamburgers* had 51, of which they lost 4. The *Swedes* had 2; the *Danes* 4; the *Bremeners* 12; the *Emdeners* 2; and the *Lubeckers* 1. The number of whales taken that year amounted to 1968, which the *Dutch*, and the ships of other nations before mentioned, caught in the following proportions, *viz.*

Nations.	Number of Whales.	Casks of Oil.
The Dutch	— 1255	— 41344
Hamburgers	— 449 $\frac{1}{2}$	— 16414
Swedes	— 113	— 540
Danes	— 51	— 1710
Bremeners	— 96	— 3790
Emdeners	— 2	— 68
Lubeckers	— 0 $\frac{1}{2}$	— 17
	1968	63883

The total value of the fishery of 1697.
Florins,

The cask of blubber sold that year for 30 florins, the whole number thereof came to — } 1916490

The fins, reckoning those of each whale at 2000lb. and the current price being 50 florins a quintal, the whole therefore came to — } 1368000

Florins 3784490

In our Money, £. 378449

The particular account of the *Dutch* fishery stated.

Their 41344 casks, at 30 florins } 1240320
per cask, came to — }

Their 25100 wt. at 50 florins } 1255000
per Cwt. came to — }

Florins 2495320

In our Money, £. 249532

By a letter from *Amsterdam*, dated July 26, the whale fishery for 1744 was pretty near over, and the proportions stood then as follows, *viz.* The *Dutch* had caught 662 whales, *Hamburgers* 45, those from *Altena* 20, the *Bremeners* 18, *Emdeners* 8 :—In all 573.

The wise inhabitants of *Holland* have continually maintained and practised this fishery, as *de Witte* advised them; and have thereby added immense sums to the wealth of the people, as well as to the strength of their state, considered as a maritime power. He judged it to be very beneficial to his country, because of the ease and expedition with which it was performed; for in six days time the ships sailed out of harbour, and were actually, if the season was favourable, engaged in their fishery. The whole time it continues does not exceed 4 months, during which a great number of vessels are employed, in which abundance of hardy and experienced seamen are bred, by whom also the whole business is performed abroad, and upon their return a much greater number of people find work at home; so that there is no great reason to doubt that *de Witte's* calculation of 12000 persons

sons maintained by this trade only is very agreeable to truth. He very justly observes, that what renders this trade still more valuable, is the exportation of the greatest part of its produce; and if we consider this attentively, and make the necessary allowances in such kind of calculations, we shall be able to form to ourselves a tolerable notion of what the *Dutch* have got by the *Greenland-Fishery* from that time to this. It is now 80 years since *de Witte* framed his computation; and we shall certainly run no hazard of overvaluing the industry of our neighbours in this particular, if we suppose, that the whale-fishing has brought them in, one year with another, in whale-bone and oil, two millions of florins, of which we may also allow that they have exported at least one half; so that they have saved 80 millions of florins in what they have used themselves in these commodities, which they must otherwise have purchased; and have drawn besides from other countries into their own as much in ready money, which amounts to 8 millions *Sterling*. A prodigious sum indeed, and which ought to cover us with shame, considering that we have had at least as great opportunities as they, of making a like advantage of this fishery, of which for many years past, however, we have not made one shilling. Whence this arises is very hard to say, and the more so, as it is certain we were once the sole proprietors of the whale-fishing, which we pointed out as worthy other peoples concern, and have since neglected ourselves, tho' many of the best writers upon commerce have taken pains to expose the gross absurdity, and inexcusable negligence of such a conduct. At present, perhaps, an opportunity might be gained of reviving this fishery, if the government should think fit to erect a fortress, and open a port in the *Orkneys*, which might in many respects prove very beneficial, but more especially in this, because it would give us immediately very great advantages over the *Dutch*, *Hamburgers*, and all other nations, that at present frequent the *Greenland* seas, as we might have all kinds of utensils necessary erected in any of these islands, which would enable us to make more and better oil than any of our neighbours, from the same quantity of fish, as it would also give us an opportunity of visiting the coasts of *Greenland* earlier, and remaining there later, than other people. There is no doubt, that if any attempt of this sort was once made at the publick expence of *English* merchants, they would be very soon able to raise a prodigious number of stout and able seamen in those parts, as capable and as enterprising as any other nation whatever. It might

June, 1749.

also prove the cause of opening to us some other branches of commerce hitherto not known, or which have been long disused; and it might prove likewise a means of renewing that thirst for discoveries, for which this nation was formerly so famous, and to which she certainly stands indebted for the most valuable branches of her commerce. These, I mean the *Orkney* islands, are the islands, *Sbetland* excepted, the least known, but not the least valuable part of the *British* dominions; for besides this *Greenland* fishery, for establishing of which there is not in *Europe* a place so proper, and a considerable fishery round them, they might be made a general magazine for such commodities as sell to advantage to the *North*; by which our trade to several parts of *Germany*, as well as to *Sweden*, *Denmark*, *Norway*, *Poland*, and *Russia*, might be rendered twice as valuable to us as it is at present.

To the AUTHOR of the LONDON MAGAZINE.

S I R,

Underneath is an account of a particular observation I some time since made, of a disease called the *staggers*, or *flavers*, in horses, which I desire you to insert in your Magazine.

In the year 1736, there was a great loss in horses throughout the country. They were most of them took much after the same manner as this I here give a relation of, and died in a few days. On *Thursday*, Dec. 16, my man informed me I had a horse amiss; I went immediately to see him, and ordered him to be brought out of the stable; I observed his eyes were swelled up, and that he trembled all over as if he had an ague, and staggered about, and could scarce stand on his legs. I immediately let him blood, and took a good quantity from him, which was very thick and black. Then I ordered him into the stable, and my men gave him a mash with a horn, (for he could not eat of himself.) The next morning I found him no better, when I bled him again in both his thigh veins and tail, and put a rowel on his forehead, but to no purpose; when I came, he stood as it were stupified, with his head to the ground; but after bleeding, he raised up his head as high as he could reach, and with great violence thrust his breast against the wall, clapping his lower jaw against the wall, rack, or any thing he could; at last he run himself into a straw mow as far as he could get, and died on *Saturday* morning. When I had him opened, to see whether I could find out his disease, in opening his stomach, I observed a great quantity of bots fixt (like

N n

leeches)

leeches) to the upper part of his stomach, near the blood veins, which I really think was the cause of his ail. In the spring following, in *May*, I took a bot from a horse (which is the time they come out of their bodies) and put it into a glass with some bran, and about the 24th of *June* following, it eat itself out of its nymphal husk, and took wing to fly away (but was too close confined.) It was then in shape of a hive bee, which in summer time is so troublesome to horses about their legs, holding out their tails, always striving to fix their ovaries upon their hair, which they leave like knits upon their legs and shoulders. Now 'tis my opinion, when the horse sheds his coat, the hair flies into what they eat, and so is convey'd into the stomach, and there the eggs are hatched, and so take their several degrees; when observing them to fix upon the upper part of the stomach (as before) I thought they suck'd the better part of the blood, which should recruit the animal fluids, for want of which the blood grows fizy, and being so, cannot pass the capillary vessels in the brain. This obstruction causes the vessels to be over much extended; and this swelling hinders the sight and stupifies the senses. I think it may be adviseable for all persons who are masters of horses, when they take them up to stable at the latter end of the year, to give them some proper drench, in order to destroy the bots within the stomach, if it should so happen that they have taken in their feed, (for remove the cause, and the effect will cease.) However, it succeeded so with me, not having any loss, since I took that method. I had two reasons that induced me to be so particular in this relation; one was, I never heard, or read, of the observation of this insect before; and the other was, that a certain author says, that it is as possible for a mouse to live under a millstone whilst running, as any living creature to subsist within the stomach, (or to that effect;) but I finding the above to be fact, am at present ready to judge it a mistake. Mentioning this in your next *Magazine*, may afford the curious an opportunity of giving their judgment upon this subject. In the mean time I rest your friend, and constant reader,

W. F.

Abstract of the Weekly Journals.

THE Remembrancer of *June 3*, makes one *J. Michil* tell a story of an apparition he had seen with 2 beads, one young, and one old, each of which had a face of brass, and a skull of lead; his breast was glass; his heart, which was visible thro' it, adamant; his arms, iron; his hands, gold, &c. That he heard this surprising apparition make as surprising a speech, beginning thus: "Mortals! Repent! Things! made only for our con-

venience, to do us suit and service; know, that we are the coalition, &c." and threatening what they would do against the un—v—s, the h— a—, and the people, in order to establish themselves in power. But whilst the audacious words were yet in his ears, and he was considering from which of the two heads they proceeded, a thousand lightnings darted themselves from a thousand places at once, and in the midst of as many thunders, the *Colossus* burst to pieces, and cover'd the earth with its flaming ruins.—*Old England* of the same day contains some very humorous animadversions upon the *Cambridge* congratulatory poems on the peace.—The *Westminster Journal* has a long letter, sign'd *Friendly*, on the affair of *Algiers*, wherein the c—l is suppos'd to have sent faithful accounts from time to time, of the humour that republick was in, and that it was necessary to renew the peace and send presents; but his repeated remonstrances were smother'd by some little c—ks in office, who wanted to have him recall'd, and a friend of theirs to be sent as c—l in his room. Mr. *Toucheit* says, he knows no more of the matter than what he has from his correspondent; but is of opinion, that if we made the same figure abroad as we did formerly, we should not be insulted by these piratical states.

With states so remote, says he, and so constituted, as those *African* republicks, it is not what power a nation actually has, but what power it occasionally exerts, that must fix the terms of its friendship. Nay, the same maxim evidently prevail'd within a century past, among our nearest neighbours the *French*, who were, undoubtedly, as well acquainted with our abilities at that time, as our governors themselves. The natural strength of the nation was not lessened by the restoration of *K. Charles II*; on the contrary, that resettlement of the constitution upon its old basis ought to have added firmness to it: But our political strength, soon after, appear'd to be so diminished since the days of *Cromwell*, that *Lockhart*, who represented us to the court of *Lewis XIV.* at both periods, was greatly mortified by the different regard he met with at one time and the other.

These loose remarks will sufficiently shew what are my own sentiments with regard to the treatment I think due to these *Barbarian* rovers: But the method of b—y, in these days, seems preferable to all other methods of gov—nt, not only in the management at home, but in the conservation of our interest and character abroad.

The Remembrancer of *June 10*, is upon the affair of standing armies in time of peace, particularly the present one, and touches

touches upon some nice points, both with regard to persons and things.—In the *Westminster Journal*, a correspondent who signs himself *Of the Old English Stock*, represents our tameness and complaisance to the French, and their artful incroachments upon our trade and commerce; wishes that *Nova Scotia*, after it has been peopled and planted, may not fall into their hands; asks why such concern about peopling *New Scotland*, whilst *Old Scotland* is neglected, whose coasts abound with fish, in quality and quantity inferior to no country in the known world; and then says: We have been lately told, that one or two regiments of our soldiery are cutting roads in the barren highlands of this *Old Scotland*: And pray, Sir, why may not several other of the said regiments be employed in repairing and cutting roads in our own country; in clearing and making our rivers farther navigable; in uniting one branch to another by canals, &c? These are concerns which have been a long time talked of, and I am sure a long time wanted.—We are prodigiously fond of imitating *France* in her folleries; and why can we not imitate her a little in that which is more substantial, and of benefit to the community, especially in this one very advantageous article?

Our *beau monde*, I know, account themselves as pretty fellows as the *French petit Maitres*; and so they are, to outward appearance. But they ought to be made to know, that under those gay appearances in *France* are often concealed arts and sciences, particularly *military knowledge*. 'Sdeath! Sir, could I have my will, not a man in *England* should wear a sword, but what was able to eat a *Frenchman* for his breakfast; none presume to wear a lac'd waistcoat, who was not skill'd in some useful branch of the mathematics, or drawing, or sculpture; none cock his hat fiercely, or look big, till at least he knew the right end of a cannon.—Hem!—But of these, and some other advantages, which by due decorum might accrue to *Old England*—more hereafter.

Make our rivers farther navigable,—unite their streams, particularly the *Severn* and the *Isis* (for this surely may be done); repair our roads, and make us new ones.—This ought to be the *English* cry; and I dare say, our country gentlemen, our farmers, and our laborious poor, are far more worthy to be accommodated in this particular, than a parcel of, I know not what—a kind of *Hottentots*, who feed on garbage, and pay no taxes.—

Old England of the 17th, draws a noble character of the late earl of *Sunderland*, who had been secretary of state to *Q. Anne*, and was afterwards secretary of state and prime minister to his late majesty. It was then

(says the writer) was struck that glorious blow in the *Mediterranean*, which destroyed the *Spanish* fleet and all the queen's and *Alberoni's* turbulent projects at once; so that *Spain* could never recover herself, however afterwards foster'd up and nursed by that great man's inauspicious successor in the ministry, who prostituted the glory of the nation in enmity to the earl's memory, to make satisfaction for the losses the enemy sustained by that master-stroke of policy.

It was upon this basis and with the same view, that admiral *Mattheews* was called out of his retreat, and sent by the late minister (*who is tacitly compar'd with Sunderland*) into the same seas, with orders to attack and destroy the *Spanish* fleet at all events. There is no doubt but he would have given as good an account of the enemy as *Byng* had done before, if he had not been scandalously betrayed by a creature of *Leviathan's* remains, planted upon the admiral to render all his measures abortive, merely to cast a slur upon an administration, which they were apprehensive would soon put an end to all ministerial corruption.

According to the *Westminster Journal* of the same day, instead of restoring *Cape Breton*, it was our obvious interest not to have made peace till the conquest of *Canada* had been added to the former. Every thing was ready for the attempt except in *Old England*, two years before the cessation of hostilities; and the people of *New England*, who should know best, looked upon the success of it, if made, as almost infallible. The situation of *France*, and her many convenient ports, need have filled us with no apprehensions of the increase of her naval power, if we had only taken care, as with this conquest we might have done, that she had no country of her own to send her a constant supply of ships: Whereas, in the present state of things, they are left in the possession of all the facilities they could desire, of becoming our rivals and equals.

Extract from the *Remembrancer* of the same day. As, according to the *Old Constitution*, the kings of *England* were never meant in a capacity to act as kings, but by advice of council, so the councils of those times were of a very different composition from those of the present: For not only all the great officers of state, but all that had been called to the board by grace and favour, attended indifferently: All measures of all kinds were debated before them; all reports were made to them; all orders were issued by them; every man was free either to propose or dissent; and the major vote determined their proceedings.

But when affairs of state began to multiply, or rather when statesmen began to multiply

multiply their refinements, this numerous, general, free council, was split into committees: One for foreign affairs, one for the revenue, one for the plantations, &c. And foreign affairs by degrees growing the only point that was thought worthy the royal attention, the foreign committee, like Aaron's serpent, devoured all the rest: All things from thenceforth were managed by intrigue and cabal; and the *Junto* in possession of that magick circle, subdued all the powers of the kingdom to themselves.

His MAJESTY's most Gracious SPEECH
at the Close of the Session, June 13.

My Lords and Gentlemen,

I Come now to put an end to this session of parliament, which is become the more necessary by reason of the advanced season of the year.

The definitive treaty of *Aix la Chapelle*, having been, by my order, laid before you, several months ago; you have all been fully informed of the terms and conditions on which it was made; and have already had the satisfaction to see them carried into execution, by the several contracting parties, with great punctuality and good faith, so far as the time and distance of place would admit. Nothing now remains, but to preserve and improve the peace so happily re-established. All the powers concerned have declared themselves, in so clear and friendly a manner, on this subject, as leaves no room to doubt of their sincere disposition to render the peace lasting in all parts. My earnest desire to promote the welfare of my own subjects, and the general tranquillity of *Europe*, will make me exert my endeavours for the same good end, by steadily adhering to the engagements I have entered into, and cultivating the most perfect union and harmony with my allies, upon whose ready concurrence, in all proper measures for that purpose, I have the greatest reason to depend.

It is with great satisfaction I have seen part of this session employed in considerations for advancing the trade and navigation of my kingdoms. I hope, at your next meeting, you will be able to perfect what has now been begun, particularly, by taking the proper methods to render our naval force the most useful and serviceable, which is so essential to the protection of our commerce, and to our security in all times.

Gentlemen of the House of Commons,

I return you my thanks for the supplies you have granted me, and for the attention you have shewn to maintain the publick credit, which I rejoice to see in so flourishing a condition at the end of an expensive, tho' necessary war. The readiness with which you have enabled me to satisfy the

demands of my allies, is very agreeable to me, and cannot fail to produce the best effects.

My Lords and Gentlemen,

Let me recommend it to you to improve the advantages of our present situation for the quiet and stability of my government, and the true interest and happiness of my people; and, in your several countries, to promote such principles and dispositions, as may be most conducive to those desirable ends.

From the London Gazetteer, June 16.

S I R,

I Must at present desire your thoughts upon a subject of the nearest concern; I mean, by what methods the publication of those scandalous books, which debauch the morals of the *British* youth, may be most effectually prevented.

It was a truth universally acknowledged by the antient *Romans*, a people that upon some accounts we ought less to reverence than we do, tho', on some others, I wish we more precisely copied after their example: It was a truth universally acknowledged amongst them, that the licentiousness and prosperity of a people lay in contrary scales; by how much the former preponderated, in the same proportion the latter approach'd towards dissolution: And with us, tho' no *Romans*, hardly any truth will be more readily assented to by all men of sedate reflection, than, that virtue is the best principle of protection, which will ever prosper in the same proportion as that obtains a footing in the world.

Here he mentions two most profligate and wicked books, that have frequently of late been advertised, and justly expresses his concern and astonishment at the run they have had, and that any should be so sunk below the dignity of human nature as to be pleased with such vile and shocking obscenity; and concludes thus:

If the laws already enacted against the publication of such pieces as teach us the *a-la-mode* path to vice and knavery, be not sufficient, it is much to be wished the legislature would render them so; but, if they are already sufficient, and ineffectual only for want of being properly put in execution, it is to be hoped the magistrates will remove from us all reasonable ground of complaint on this head, by being active, each in his sphere; for the promotion of this great end is the best principle of true politeness, is a moral virtue, and, till that prevails, we have no foundation in reason whereon to rest our hopes either of personal, family, or national happiness.

The

The NONPARIEL. A New SONG. 281

Tho' *Chloe's* out of fashion, Can blush and be sincere,

I'd toast her in a bumper, If all the belles were here:

What tho' no diamonds sparkle About her neck and waist, With

every shining virtue The lovely maid is grac'd - - -

- - - With every shining

vir - - tue The lovely maid is grac'd.

In modest plain apparel,
No patches, paint, or airs,
In debt alone to nature,
An angel she appears:
From gay coquets, high finish'd,
My *Chloe* takes no rules;
Nor envies them their conquests,
The hearts of all the fools.

Who wins her must have merit,
Such merit as her own,
The graces all possessing,
Yet knows not she has one:
Then grant me, gracious heaven,
The gifts you must approve;
And *Chloe*, charming *Chloe*,
Will bless me with her love.

The following having appear'd defective, and very much curtail'd, in the Papers, and a certain Monthly Collection, we thought proper to give our Readers a perfect Copy of it.

An Ode to Garrick, upon The Talk of the Town.

When I said I would die a bachelor, I did not think I should live till I were married.

Much ado about Nothing.

NO, no; the left-hand box, in blue;
There! don't you see her?—See her!
Who?

Nay, hang me if I tell.

There's Garrick in the musick-box!

Watch but his eyes; see there!—O, pox!

Your servant Ma'moiselle!

But tell me, David, is it true?

Lord help us! what will some folks do!

How will they curse this stranger!

What! fairly taken in for life!

A sober, serious, wedded wife!

O fie upon you, Ranger.

The clergy too have join'd the chat;

"A papist!—Has he thought of that?"

"Or means he to convert her?"

Troth, boy, unless your zeal be stout,

The nymph may turn your faith about,

By arguments experter.

The ladies pale and out of breath,

Wild as the witches in *Macbeth*,

Ask, if the deed be done?

O David! listen to my lay!

I'll prophesy the things they'll say;

For tongues, you know, will run.

"And pray, what other news d'ye hear?"

"Marry'd!—But don't you think, my dear,

"He's growing out of fashion?"

"People may fancy what they will,

"But *Quin*'s the only actor still,

"To touch the tender passion.

"Nay, madam, did you mind, last night,

"His *Archer*? not a line on't right!

"I thought I heard some hisses.

"Good God! if *Billy Mills*, thought I,

"Or *Billy Howard* would but try,

"They'd beat him all to pieces.

"'Twas prudent tho' to drop his *Boyes*—

"And (*entre nous*) *Old Cibber* says,

"He hopes he'll give up *Richard*.

"But then it tickles me to see,

"In *Hastings*, such a shrimp as he

"Attempt to ravish *Prichard*.

"The fellow pleas'd me well enough

"In—what d'ye call it? *Hoadly's* stuff;

"There's something there like

"nature:

"Just so, in life, he runs about,

"Plays at bo-peep, now in, now out,

"But hurts no mortal creature.

"And then there's *Belmont*, to be sure—

"O ho! my gentle *Neddy Moore*!

"How does my good lord mayor?

"And have you left *Cheapside*, my dear?

"And will you write again next year,

"To shew your fav'rite player?

"But *Meropé*, we own, is fine,

"*Eumenes* charms in ev'ry line;

"How prettily he vapours!

"So gay his dress, so young his look,

"One wou'd have sworn 'twas Mr. Cook,

"Or *Matthews* cutting capers."

Thus, *David*, will the ladies flout,

And councils hold at ev'ry rout,

To alter all your plays;

Yates shall be *Benedict* next year,

Macklin be *Richard*, *Taswell*, *Lear*,

And *Kitty Clive** be *Bayes*.

Two parts they readily allow

Are yours; but not one more they vow,

And thus they close their spite:

You will be Sir *John Brute*, they say,

A very Sir *John Brute* all day,

And *Fribble* all the night.

But tell me, fair ones, is it so?—

You all did love him once, † we know;

What then provokes your gall?

Forbear to rail—I'll tell you why;

Quarrels may come, or madam die,

And then there's hope for all.

And now a word or two remains,

Sweet *Davy*, and I close my strains;

Think well e'er you engage;

Vapours and ague-fits may come,

And matrimonial claims at home,

Un-nerve you for the stage.

But if you find your spirits right,

Your mind at ease, and body tight,

Take her; you can't do better;

A pox upon the tatling town!—

The fops that join to cry you down

Would give their ears to get her.

Then if her heart be good and kind,

(And sure that face bespeaks a mind

As soft as woman's can be)

You'll grow as constant as a dove,

And taste the purer sweets of love,

Unvisited by *Ranby*.

To Mrs.——

Madam,

THE following lines are so applicable to a person of your character, that I make bold to inscribe them to you.

I am, Madam,

Not your very bumble Servant.

LOUD thund'ring thro' the throat fierce
Juno storms; [deforms;

Jove with his bolts the face of heav'n

He shakes the poles, 'tis true; but she

alone

[his throne;

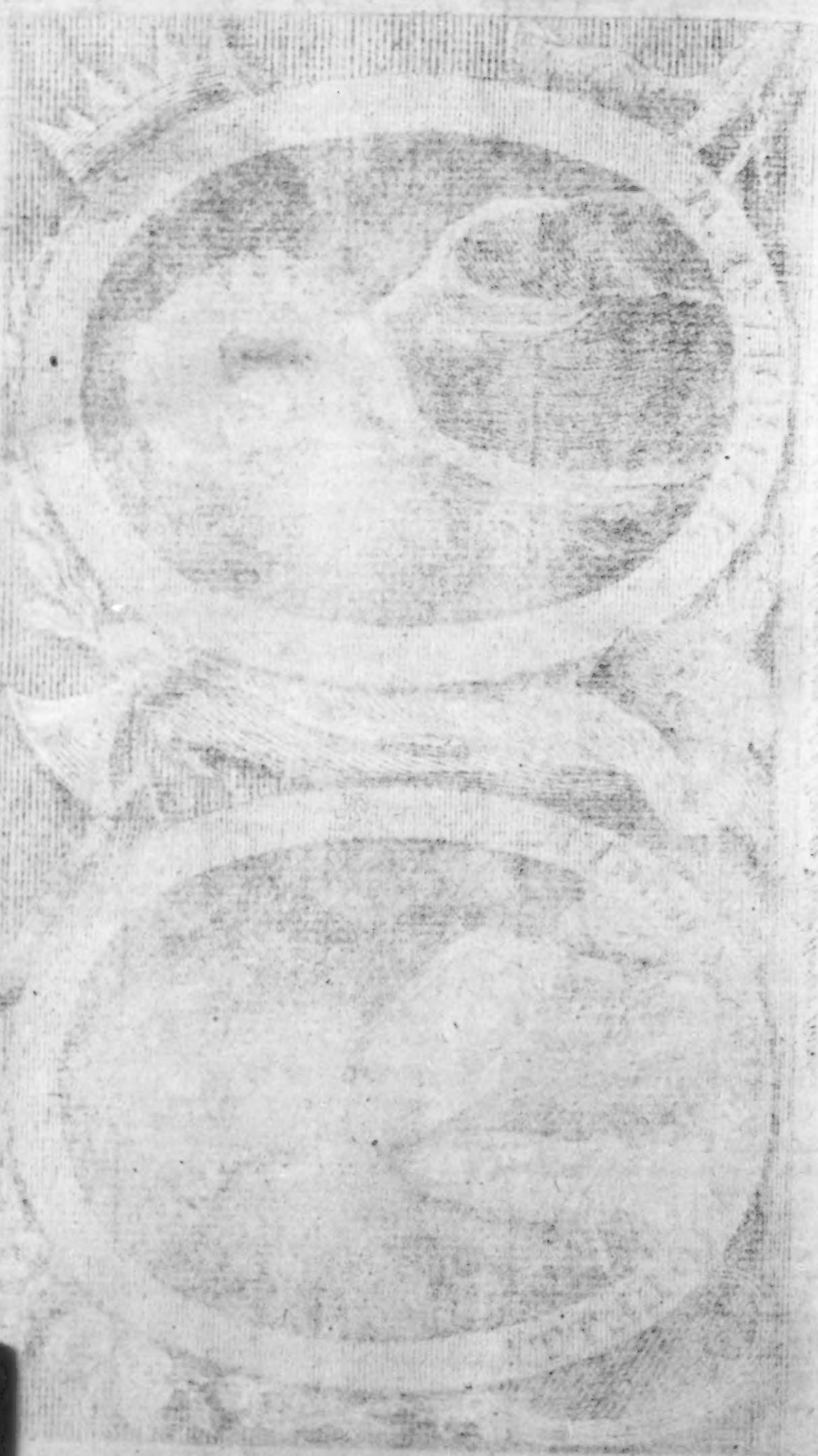
Shakes Jove himself, and frights him from

With

* This lady has already been so very good as to exhibit herself in that character. † Julius Caesar.



Printed for R. Baldwin, junr. at y Rose in Pall Mall near.



With her curst tongue the seats of bliss re-
 found, [round :
 Whilst he in vain his lightning darts a-
 In vain the flash with all its force pervades
 Tartarean glooms, and hell's infernal
 shades :

She still scolds on ; the routed gods retire,
 Scar'd at the noise, and tremble with their
 fire.

Pool.

H. Price.

*The Inscription on the Duke of Argyll's Mo-
 nument, translated from p. 239.*

Historia loquitur.

EN tumultum, patriæ qui es captus a-
 more, Britanne,

Perdignum lacrymæ munere jure tuæ !

En silet ille, Patres pendebant cujus ab ore ;

Enervi dextrâ, quæ modo terror erat !

Nec, Campbelle, minus pollebas arte
 placendi,

Digno quâ nôras jungere dulce probè.

A Te congeneres Heroes, ordine longo,

Ediscant artes stemmata quæ superant.

Debetur mihi forte aliorum fama superstes ;

Ipsa quidem per Te nescia mortis ero.

June 12, 1749.

Scotus.

To the FOOL.

NOW you, master Fool, why you no
 say nothing about de spring, de
 bloom, de verdure, de flower, de tout
 enrichment de nature, de glorious finee
 show dat it makee all about us ? Have you
 forgettee de *Walham Green* for de foolish
 nonsense, de politique, de politesse, and de
 puzzle us ?

SEE when de orient sun begins to rise,
 And nature's glory purple all de skies !
 Tinctur'd with gold, from *Tbetis'* lap he
 springs, [tings,

And minds not love, but tink of better
 De genial bloom awakes ; de pearly dew
 Den quits de rosy bed, and shews de native
 hue : [arms,

With smiling count'nance and de open
 Receives de genial rays enliv'ning charms.
 Wrapt in de gloomy mantle of de night,
 De slumbring gods all vanish in de fright.
 Den to *Apollo's* harp, de tuneful choir
 Exalt dere lays, and listen to de lyre.

De sluggard men rise from de lazy bed,
 Dis minds de farm, and dat pursues de
 trade ;

Wid eager joy de wise embrace each hour,
 Dis seeks for wealth, dat's raptur'd in a
 flower.

So me de lover of de sparkling race,
 In ev'ry radiant flower new beauties trace.
 See here the purple, dere de red aspire,
 Dis flush'd with sprightly pink, dat ray'd
 with fire.

De lemon here, de orange dere supreme,
 Dis de *Aurora* shews, and dat de green ;

Lights, shades, and colours, all consent to
 grow,

And in one bright confusion seem to glow.

Lo ! in de silent scenes, where tender
 air, [fair ;

In gentle whispers, courts d'approaching
 Where solitude all obstacles remove,

And spicy breezes warm us into love ;

Dere me above all worldly cares reside,

My mistress summer, and de flower my
 bride. [other,

De *Pelham* dere, de *Granville* court each
 And sip from either sweet, like de two
 brother. [scene,

Contention's lost in friendship's happier
 And nought but smiling airs between dem
 seen.

Politicks no more amuse de noisy mob,

Nor dis be call'd a trick, nor dat a jobb.

Serene and tranquil, like de summer sun,

Alike dey shine, alike dere course dey run.

Alike dey mantle in bright *Phæbus'* ray,

And shine and glitter in de glare of day.

Next higher beauties of another nature,

Dat sparkle in de light a diamond water,

Britannia's belles, a courtly happy race ;

Fire in each breast, an angel in each face ;

And while de white de snowy mount re-
 semble, [tremble.

All look and gaze, admire, submit and

So *Paris* once upon mount *Ida* stood,

And *Juno*, *Venus*, and *Minerva* view'd,

But did not see, when all dat he had done,

Bright *Denmark's* queen, or happy *Hunting-*
ton.

De *Juno's* grace, de *Venus'* warmer fire,

Minerva's wisdom, all in one conspire ;

All to dis happy seat, me see repair,

And join to furnish out each *British* fair.

Each vies with each, and all together strive,

And in each rich carnation aim to live.

Hail happy isle, and happier *Walham Green*,

Where all dat's fair and beautiful are seen !

Where wanton *Zephyrs* court de ambient air,

And sweets ambrosial banish every care ;

Where thought nor trouble social joy molest,

Nor vain solicitude can banish rest ;

Peaceful and happy, here me reign serene,

Perplexity defy, and smile at spleen :

Belles, beaus, and statesmen, all around me
 shine, [divine ;

All own me dere supreme, me constitute

All wait my pleasure, own my awful nod,

And change de humble gard'ner to de god.

Ah, master Fool ! did you but know dese
 tings ! [brings,

What pleasure calm repose to mortals

You'd soon forget your writing and your
 school,

And be no more de scribbler and de Fool.

Yours, &c.

Bartolama de Rogus.

From de Walham Green,

June 2, 1749.

A Copy of Verses dated at Oxford, May 23, 1749, and directed to L—d R—t S—n, the L—d of the B—r in waiting, and by him presented to the P—e of W—s.

Deny'd our sov'reign's gracious sight,
Pursu'd by B—d's ire,
Poor Oxford mourns her doleful plight,
Nor dares to string her lyre ;
Whilst Cambridge, happy in her choice
Of good Newcastle's duke,
To George and William tunes her voice,
Nor fears the stern rebuke.
Yet thro' the various metred book,
Whoe'er will read the same,
Will find no easy task to look
For gentle Fredrick's name.
But when the day shall be at hand,
(Oh late may be that day !)
When a new sov'reign shall demand
The learned muse's lay :
Then shall the well-lov'd Fredrick's praise
By Oxford bards be sung,
And then will Cambridge have the grace,
No doubt, to hold her tongue.

Verses on Self-Murder, address'd to — by a Lady.

WITH toilsome steps I pass thro' life's
dull road,
No packhorse half so weary of his load ;
And when this dirty journey shall conclude,
To what new realms is then my way pur-
su'd ?

Say then, does the unbody'd spirit fly
To happier climes, and to a better sky ?
Or sinking, mix with dust and kindred clay,
And sleep a whole eternity away ?
Or shall this form be once again renew'd,
With all its frailties, and its hopes endu'd,
Acting once more, on this detested stage,
Passions of youth, infirmities of age ?

I see in *Tully* what the antients thought,
And read unprejudic'd what moderns taught ;
But no conviction from my reading springs,
Most dubious in the most important things.

Yet one short moment would at once
explain,
What all philosophy has sought in vain ;
Would clear all doubt, and terminate all
pain.

Why then not hasten that decisive hour,
Still in my view, and ever in my power ?
Why should I drag along this life I hate,
Without one thought to mitigate the weight ?
Why this mysterious being force t'exist,
When every joy is lost, and every hope dis-
mist ? [stay,
In chains and darkness wherefore should I
And mourn in prison, while I keep the key.

*As it is to be suppos'd that we often differ
from the sentiments of our correspondents, and
sometimes disapprove them ; so here we think*

*this lady has suggested very immoral and
pernicious advice ; that she has not duly
weighed that inimitable soliloquy of Hamlet,
To be, or not to be,—nor the many excellent
Tracts that have been publish'd against
Self-Murder ; and, what is worse, seems to
have forgot her Maker and her Christianity.*

An Extempory on a very Retired Walk.

TELL me, harmonious sisters, say,
To whom belongs this sacred way ?
Which of you owns this lov'd retreat,
Fit only for the Muses seat ?
To one or all it must belong,
Contriv'd for poesy, paint, or song.
Sure thou might'st, blest recess, inspire
The meanest with poetick fire.
Ev'n discord here would cease to jar,
And all the noisy sons of war
Forfake *Bellona's* loud alarms,
For thy more soft, persuasive charms.
Come, all ye painters, here you'll find
Brighter ideas seize your mind :
And you that soar on musick's wings,
Come here to wake the sleeping strings.
Sure, 'tis the genius of the place,
That thus becalms my soul to peace.
No boisterous passion dares molest
The sweet composure in my breast.
Hail! happy cmen! Now I know,
This is the Muses seat below :
When from *Parnassus* they would range,
Their heavenly one for this they change,
But Sol's diurnal course is run,
And I reluctant must be gone :
But shortly I'll return agen ;
Adieu, delightful grove, till then.

A BALLAD,

To the Tune of, The Irish Howl.

By Lady Mary Wortley Montagu.

1.

TO that dear nymph, whose powerful
name
Does every throbbing nerve inflame,
(As the soft sound I low repeat
My pulse unequal measures beat)
Whose eyes I never more shall see,
That once so sweetly shin'd on thee ;
Go, gentle wind ! and kindly bear
My tender wishes to the fair.

Hob, bo, bo, &c.

2.

Amidst her pleasures let her know
The secret anguish of my woe,
The midnight pang, the jealous hell,
Does in this tortur'd bosom dwell :
While laughing she, and full of play,
Is with her young companions gay ;
Or hearing in some fragrant bower
Her lover's sigh, and beauty's power.

*Hob, bo, bo, &c.
Loft*

3.

Lost and forgotten may I be !
 Oh may no pitying thought of me
 Disturb the joy that she may find
 When love is crown'd and fortune kind :
 May that blest'd swain (whom yet I hate)
 Be proud of his distinguish'd fate :
 Each happy night be like the first ;
 And he be blest'd as I am curs'd.

Hob, bo, bo, &c.

4.

While in these pathless woods I stray
 And lose my solitary way ;
 Talk to the stars, to trees complain,
 And tell the senseless woods my pain :
 But madness spares that sacred name,
 Nor dares the hidden wound proclaim ;
 Which secret rankling, sure and slow,
 Shall close in endless peace my woe.

Hob, bo, bo, &c.

5.

When this fond heart shall ake no more,
 And all the ills of life are o'er ;
 (If gods by lovers prayers are mov'd,
 As every god in heaven has lov'd)
 Instead of bright *Elysian* joys,
 That unknown something in the skies,
 In recompence of all my pain,
 The only heaven I would obtain,
 May I the guardian of her charms
 Preserve that paradise from harms.

*Hob, bo, bo, &c.**To Alexis, in Imitation of Virgil.**Qualis Philomela mœrens, &c.*

Resign, *Alexis* ! Oh, resign thy sense
 To the decrees of wiser providence ;
 Blame not those crosses, which thy worth
 conceal'd [veal'd ;
 Have brought to light, thy virtues have re-
 Had'st thou not been thus aggravated, none
 Could have been charm'd with thy delicious
 moan ;

To grief and pity thy enchanting voice
 Invites — and yet we cannot but rejoice ;
 Thou tell'st thy sorrows in so sweet a strain,
 'Tis heav'n to some, to hear thee thus com-
 plain.

So — *Philomela* (once a lovely maid)
 Loudly laments beneath the poplar shade ;
 Her doubled grief employs her melting
 tongue, [young,
 First ravish'd, now robb'd of her tender
 She still of man's barbarity complains
 Obdurate monarchs ! and obdurate swains !
 Perch'd on a bough, her notes record her
 wrong,

While echoing vales reverberate her song ;
 In tuneful sorrow she consumes the night,
 And gives to all things, but herself, delight.

To Mr. G——K.

THE joy thou oft hast giv'n to me,
 I with a grateful heart repay ;
 I wish those joys tenfold to thee,
 To crown and blest the happy day.

June, 1749.

Let those gall'd jades, the fribbling beaux,
 Their malice vent in tales and rhymes ;
 Such, and such only, are thy foes,
 Success and merit are thy crimes.

EPIGRAM.

FOR sparkling wit, for knowledge and
 for sense,
 The world allows *Cleora* fair pretence :
 Envy her not ! for still remain behind,
 Malice and hatred, and a treach'rous mind.
Translation of the 7th Metre in the 1st Book
of Boetius de Consolatione Philosophiæ.

THE stars, whose splendor gilds the skies,
 No beauty can disclose,
 Whene'er between them and our eyes
 Clouds rudely interpose.
 When the rough wind, without controul,
 O'er the swell'd ocean raves,
 Whose blasts the mountain billows rowl,
 And toils the foaming waves ;
 The crystal flood, which was before
 Clear as sereneest days,
 Troubled and muddy now no more
 That excellence displays.
 The river, which from lofty hills
 With easy motions flows,
 Oft meets with stones, borne down its rills,
 Which its due course oppose.
 If with a clear and faithful light,
 Thou truth desir'st to see,
 And of all ways would'st chuse the right,
 From baneful error free ;
 Drive all false pleasures from thy breast,
 Banish all idle fear,
 And be not with vain hope possess'd,
 Nor yield to sad despair.
 For where those tyrant passions reign,
 They so enslave the mind,
 No pris'ner wears a heavier chain,
 No captive's more confin'd.

A SIMILE.

Æquā memento rebus in arduis
Servare mentem ; non secus in bonis
Ab insolenti temperatam
Lætitia —

WHEN the loud waves in mountains
 rise,
 And tempests mingle seas and skies ;
 The dauntless sailor plies his oar,
 Bounds o'er the surge, and gains the shore,
 But if a smooth, alluring breeze
 Invites to tempt the faithless seas ;
 He trusts not to the flatt'ring gale,
 But wisely furls the flowing sail.
 So when harsh fortune low'rs her brow,
 With courage wait th' impending blow ;
 From the firm breast her darts rebound,
 While coward slaves lament the wound.
 If then the smiling wanton pours
 Upon thy head her golden show'rs ;
 Watch ev'ry motion of thy mind,
 And keep the rising joy confin'd.

O O

T H R

THE Monthly Chronologer.

The following is such a remarkable Account of a Hail Storm in Portugal, as ought not to be omitted.

Extract of a Letter from Oporto, dated May 3, O. S.



AST Sunday, April 30, all our family, with two or three friends more, dined at our country house: After dinner it began to thunder and lighten very much, and a black cloud came from the south and threatned a heavy shower; a squall of wind soon came on, and it began to hail very large stones, but in less than a minute's time we were all struck with surprize; for they came down as big as hens eggs, and with such impetuosity that the house top seem'd to be beating in: The noise they made, confounded with the thunder, was as if the heavens were fighting against the earth; however, the shower happily lasted but a few minutes, and when it was over, two or three of us ran out to measure some of the hailstones; the generality of them were 4 or 5 inches in circumference, but I measured several 6 inches, after they had lain on the ground a quarter of an hour: Their form was various, some spheroidical, others oval, and all tended to round; upon breaking 2 or 3 I found that about the centre they were transparent, tho' the other part was quite white, and not so: No great damage was done about the city to the northward, except breaking of tiles and windows; but this is insignificant in comparison of the mischief done a league or two to the southward, where the shower was so violent, that the hailstones were as big as large oranges; they tore up the ground, cut the corn in pieces, and destroyed the fruit-trees, killing likewise some people who were caught in it. One hailstone, I hear, was taken up, which weighed 3 pounds.

The great City of Casan having been lately reduc'd to Ashes by a most terrible Conflagration, the following Description of it, extracted from the most modern Writers, may not be unacceptable.

CASAN, *Caman, Cosamun*, is seated on the river *Casanka*, from which it derives its name, about a league above its confluence with the *Volga*, and is a large populous city: Its metropolitan is the second in rank of the whole *Russian* empire. The

vast numbers of churches, monasteries and steeples, which adorn it, make it yield a fine prospect both from the land and from the vessels that sail up and down the *Volga*. *Olearius*, who had been there, gives a description of it to this effect, *viz.* That it is situated in a fine spacious plain, in lat. $58^{\circ} 38'$. Most of the houses are of wood, as well as the ramparts and towers; the castle alone is surrounded with stone walls, and is well stored with artillery and warlike ammunition; and the river, which runs round it, serves instead of a ditch, which renders the place very strong. A garison is kept in it, all of *Muscovite* soldiers; and the *Tartars*, who inhabit the town, are forbid to enter this fortress, under pain of death. The castle is governed by its own *Waywode*, and the city by its own governor. About 7 wersts below the town, in a place where the river is broad, there is a large dock for the building of ships of considerable bulk, which are afterwards sent down into the *Caspian* sea. This city is excellently well situated for the being supplied with all sorts of provisions and necessaries both by land and water, and they are here in great plenty, and very cheap. The reason why the *Tartar* citizens are kept out of the castle, is the jealousy of the *Russian* monarchs, they being a conquered people; for the province of *Casan*, of which this city is the head, was formerly an independent kingdom; but being engaged in civil wars, in the time of the czar, *John Basilowitz* * II. they were deprived of royalty and dominion by that conqueror. The province stretches a great way along the *Volga*, and the land is extremely fertile. The natives are more civilized than most of the other *Tartar* nations, occasion'd by their conversing more with strangers. They apply themselves entirely to commerce, and carry on a considerable trade in hides and other goods. In the time of their independency they were looked upon as a brave and warlike nation, and their kings were dreaded by all the neighbouring princes. The capital, down to this day, has been famous for its commerce all over the east. The archbishoprick was established by the conqueror, *John Basilowitz*, abovementioned.

His serene highness the duke of *Modena*, having taken leave of the royal family, set out on the 28th of last month, for *Harwich*, to embark there for *Italy*. (See p. 238.) SA-

* This Czar reigned from 1533 to 1583.

SATURDAY, June 3.

A dreadful fire happened at *Glasgow* in *Scotland*, which burnt with such fury, and spread itself in so terrible a manner, that about 200 families were entirely burnt out, and reduc'd to the utmost distress.

TUESDAY, 13.

His majesty went to the house of peers, and prorogu'd the parliament to *August 3*, after having made a most gracious speech to both houses (which see p. 280.) and pass'd the following bills, viz. An act for granting to his majesty one million out of the sinking fund for the year 1749, and for enabling his majesty to raise a further sum of one million for the uses and purposes therein mentioned, &c.—An act for rectifying mistakes in the names of several of the commissioners of the land tax.—An act to enable such officers, mariners and soldiers, as have been in his majesty's service since his accession, to exercise trades.—An act to establish the method of proceeding to and upon outlawries for high treason, and imprisonment of high treason, in *Scotland*.—An act for continuing, explaining and amending several laws.—An act for the more easy and speedy recovery of small debts within the town and borough of *Southwark*, and several adjacent and neighbouring parishes.—An act for making a free market for the sale of fish in the city of *Westminster*, and for preventing the forestalling and monopolizing of fish.—An act for the further encouragement and enlargement of the whale-fishery, and for the naturalization of such foreign protestants, as shall serve for the time therein mentioned, on board such ships as shall be fitted out for the said fishery. (See p. 275.)—Some road bills, and 9 private bills.

THURSDAY, 22.

His majesty held a chapter of the most noble order of the garter, in his palace at *Kensington*, when his majesty was pleased to present the six vacant garters, to prince *George*, eldest son of his royal highness the prince of *Wales*, the margrave of *Anspach* *Brandenburgh*, the dukes of *Bedford* and *Leeds*, and the earls of *Granville* and *Albemarle*. We have already given an account of this august ceremony, as far as the election of the margrave of *Anspach*, p. 252; and shall here add the rest, which is as follows.

Garter then was commanded to bring in his grace the duke of *Leeds*, who being introduced by garter, kneeled down before the sovereign, and, being knighted with the sword of state, retired; and the third scrutiny being collected by the chancellor, and delivered to the sovereign in the former manner, the chancellor, by the sovereign's command, declared the duke of *Leeds* duly elected.

Upon which, garter and black rod were

sent to introduce his grace, who being brought to the door of the chapter-room, was there received by the dukes of *Kingston* and *Portland* the junior knights, and conducted by them to the sovereign with the accustomed reverences; garter, carrying on a velvet cushion the garter and *George* hanging to a blue ribbond, did upon his knee present the garter to the sovereign, who gave it to his royal highness the duke of *Cumberland* and the duke of *Dorset*, the two senior companions, which they buckled about his grace's left leg, whilst the chancellor read the admonition enjoined by the statutes; and then garter having with like reverence presented to the sovereign the blue ribbond and *George*, his majesty, assisted by his royal highness and the duke of *Dorset*, put it over his grace's left shoulder, who was then kneeling, the chancellor in the mean time reading the proper admonition. And his grace having kissed the sovereign's hand, and thanked his majesty for the great honour done him, rose up and saluted all the companions severally, who returned their congratulations, bowed to his royal highness, and withdrew.

Then his grace the duke of *Bedford*, and the right hon. the earls of *Albemarle* and *Granville* were elected, and received the ensigns of the order in like manner, and withdrew.

Garter then called over the names of the knights companions, and the procession was made back in the manner before described, save only that the chancellor and black rod went in their proper places.

FRIDAY, 23.

Came on at the court of *King's-Bench* in *Westminster-Hall*, a trial on an indictment in the crown against *John Murray*, of *Broughton*, Esq; for sending divers challenges to the right Hon. the earl of *Traguir*. Mr. *Murray* made no defence, so was found guilty, and is to receive sentence next term.

SATURDAY, 24.

Daniel Collyer, Esq; citizen and vintner, and *Thomas Green*, Esq; citizen and fletcher, were chosen sheriffs of *London* and *Middlesex* for the year ensuing.

MONDAY, 26.

This day at ten o'clock, the knights of the Hon. order of the *Bath*, the heralds, pursuivants, and all the officers of that order, met at the prince of *Wales*'s chamber near the house of lords, from whence the procession began to *Henry the VIIIth's* chapel, in *Westminster-Abbey*, where the following six knights were installed, viz. Sir *Peter Warren*, Sir *Edward Hawke*, (by his proxy, Sir *Charles Malloy*) Sir *Chas. Howard*, Sir *Charles Amand Poult*, Sir *John Mordaunt*, and Sir *John Saville*.

[The Account of the whole Ceremony shall be in our next.]

MARRIAGES and BIRTHS.

June 5. **S**IR John Rush, bart. to Miss Benfield, of Harrow on the Hill.

Strotter Kerr, Esq; to the Rt. Hon. Jean lady Ramsay, in Scotland.

George Baker, of Elamere-Hall, near Durham, Esq; to Miss Judith Routb.

8. Robert Burton, of Longnor in Shropshire, Esq; to Miss Hill, daughter of Thomas Hill Esq; memb. for Shrewsbury.

Lord Fane, to lady Juxton.

Charles Whitworth, Esq; memb. for Minehead, to Miss Shelby.

10. James Norton, of Bedfordshire, Esq; to Miss Hannah Tiffin, an heiress.

12. Thomas Price, Esq; of Rumsford, to Miss Frances Payne.

21. David Garrick, Esq; one of the patentees of the theatre royal in Drury-Lane, to Mademoiselle Violetti. (See p. 282.)

John Heathcote, Esq; son of Sir John Heathcote, bart. to Miss Yorke, the youngest daughter of the Rt. Hon. the lord chancellor.

May 27. Lady Hillsborough delivered of a daughter.

The lady of Sir William Yonge, of a daughter.

28. The lady of Sir William Herbert, of a son.

31. The lady of Henry Fownes Luttrell, Esq; of a son and heir.

June 1. Countess of Glencairn, of a son.

2. Lady Fitzroy, wife of James Jeffreys, Esq; of a daughter.

3. The lady of Sir Peter Warren, of a daughter.

18. The lady of — Cadogan, Esq; of a son.

Lady Peterham, of a daughter.

28. The lady of Sir William Irby, bart. of a son and heir.

DEATHS.

May 29. **T**HOMAS MASTER, jun. Esq; member of parliament for Cirencester.

June 1. Robert Akehurst Esq; councillor at law, at Ely,

6. Francis Luttrell, of Little Chelsea, Esq; one of the benchers of the Middle Temple, and treasurer of the said society.

Hon. Charles Bluett Wallop, Esq; second son to the earl of Portsmouth, equerry to his royal highness the duke, and memb. of parliament for Newport in Hampshire.

9. Hon. Charles Selwyn, Esq; member in the last parliament for Ludgershall in Wiltshire, and a major in the foot guards.

Charles Miller, Esq; one of the justices of the peace for Surrey.

Capt. Bezael Morrice, brother to the late admiral Morrice, and author of several poetical pieces.

Mr. Samuel Farrer, of the Bank of England, a person so well skill'd in the mathematicks, that he has left but few superiors, nor many equals.

10. Rt. Hon. Sir George Downing, bart. knight of the Bath, and member of parliament for Dunwich in Suffolk.

Charles Hardy, Esq; who had a command in the royal navy, in which he behaved with great bravery, in the reign of Q. Anne.

12. Mr. Benjamin Wilks, the ingenious author on a treatise on English insects.

Theophilus Brady, Esq; many years an eminent merchant at Leghorn.

13. Sir John Norris, knt. member of parliament for Rye in Sussex, and admiral of Great Britain, the oldest commander in the royal navy, having been in that service above 60 years.

Ambrose Phillips, Esq; register of the prerogative office in Ireland, a gentleman well known to the learned world by his writings, viz. his pastorals, translations from Pindar, the tragedy call'd *The Distress'd mother*, &c. He was the last survivor of the excellent authors of the *Tatlers*, *Spectators* and *Guardians*.

Col. Gregory Bleak, lieut. governor of Jersey, an old experienced officer, who served in Flanders during all Q. Anne's wars, and also in the late war, when he was wounded at the battle of Fontenoy, after which he was made lieut. gov. of Jersey, as above.

23. Anthony Walburge, Esq; treasurer of St. Thomas's hospital.

25. Charles Erskine, Esq; councillor at law.

27. Christopher Amyand, Esq; many years an eminent merchant of this city.

28. Mr. James Newton, an eminent bookseller in Little-Britain, respected by all who knew him.

ECCLESIASTICAL PREFERMENTS.

MR. Hunt, to the rectory of Batley in Surrey.—James Edgcumbe, D. D. to the rectory of Berwick in Elmet, in Yorkshire.—Edward Jackson, M. A. to the vicarage of Buckland Brewer, with the chapelries of Buckworthby and East Rutford in Devonshire.—Joseph Wheeler, B. A. to the vicarage of Dewsbury in Yorkshire.—Mr. Aynscomb, B. D. to the rectory of All-Saints in Litchfield.—George Molden, M. A. to the rectory of St. John Matthermarket, or Maddermarket, in Norwich.—Mr. Skute M. A. to the rectory of Lorel in Hampshire.—Mr. Powney, to the vicarage of Badcome in Northamptonshire.—George Wakefield, M. A. to the rectory of St. Nicholas in Nottingham.—Mr. John Holland, to the rectory of Cowham, alias Cowenham, in Lincolnshire.—John Deale, M. A. to the vicarage of Kirby super Marum,

Moram, in the archdeaconry of *Richmond*.—*Mr. Arthur Sturt*, to the living of *Welsbam* in *Essex*.—*George Parry*, M. A. to the rectory of *Vaynor*, alias *Faenor* in *Brecknockshire*.—*Mr. Cbetwynd*, to the rectory of *Stokefly* in *Staffordshire*.—*Charles York*, B. D. to the rectory of *Prescot* in *Derbyshire*.—*Mr. Newman*, to the vicarage of *Peele cum Halsey*, in *Derbyshire*.—*Mr. Thirk*, to the vicarage of *Great Walton* in *Bedfordshire*.—*Mr. Hume*, to the rectory of *Berresfield* in *Cumberland*.—*Mr. Sipton*, to the rectory of *Clayfield* in *Staffordshire*.

PROMOTIONS Civil and Military.

A *Brabam Castres*, Esq; made envoy extraordinary to the king of *Portugal*.—*John Russel*, Esq; made consul-general in *Portugal*, in his room.—*Henry Holmes*, Esq; made col. of the regiment of foot, late under the command of *Lord Henry Beauclerk*, who resign'd.—*Thomas Brudenell*, Esq; made major to the second regiment of dragoon guards; and *Frederick Frankland*, a capt. in the said regiment.—*Richard Middleton*, of *Chirk-Castle*, Esq; made recorder of *Denbigh*, in the room of *Sir Robert Salusbury Cotton*, bart. deceased.—*Duke of Marlborough*, made steward of the household, in the room of the duke of *Devonshire*, who resign'd.—*Charles Townshend*, Esq; made a commissioner of trade and plantations.—*Sir Richard Wrottesly*, bart. made one of the clerks comptrollers of the board of green-cloth.—*Ensign Thomas Philpot*, of *Conway's* reg. made a lieut. in the said reg. and *Edward Tompkins*, Esq; made ensign in his room.—*Rt. Hon. Brabazon*, earl of *Bessborough* in the kingdom of *Ireland*, made a peer of *Great Britain*, by the title of baron *Ponsonby*, of *Sydenby*, in the county of *Leicester*.—*Jos. Jordan*, gent. made consul in *Gallicia* and *Austria*.—Lieut. gen. *Sir Charles Howard*, major gen. *Sir Charles Mordaunt*, and major gen. *Colmondeley*, appointed to be upon the staff, for *South Britain*, and to review the several regiments quarter'd in *England*.—*Tho. Brereton*, Esq; made one of the grooms of the bedchamber, under the *Rt. Hon.* the lord chamberlain of his majesty's household.—*Mr. Tho. Neville*, made one of the gentlemen ushers and quarterly waiters in ordinary under his lordship.—*Fra. Young*, Esq; one of the clerks of his majesty's kitchen.—*Tho. West*, Esq; made serjeant of all his majesty's carriages, and over the yeomen of the carriages, and yeomen riders.—*Mr. James Portman*, made deputy paymaster of the troops at *Gibraltar*.—*Mr. Fenton Salter*, deputy-paymaster of the troops in *North Britain*.—*Hon. Henry Bellenden*, Esq; gentleman usher of the black rod, had the honour of knighthood conferr'd on him by his majesty. (See p. 252.)

Persons declar'd BANKRUPTS.

M *oses Myer*, of *Cheeldenham* in *Gloucestershire*, chapman.—*W. Nash*, late of *Red-Lyon-street*, *Holbourn*, victualler.—*Cuthbert Gillam*, of *St. James's Westminster*, brewer.—*W. Smith*, late of *Bristol*, glover.—*Cba. Hugget*, now or late of *Witbam* in *Essex*, grocer and tallow-chandler.—*Maurice Delamore*, of *Sutton St. Mary's*, in *Lincolnshire*, merchant.—*Mildred Kidwell*, late of *Marsham-street*, *Westminster*, apothecary.—*Major Swanwick*, of *Glemsford*, in *Suffolk*, soap-boiler.—*J. Earnshaw*, late of *Mosley*, in *Lancashire*, woollen-clothier.—*John Rice*, of *Salisbury-street*, in the parish of *St. Martin in the Fields*, fruiterer.—*Tho. Rawlins*, in the parish of *St. Bridges*, *London*, money-scrivener.—*Ralph Loftus*, late of *Wheeler-street*, *Spittle-fields*, distiller.—*Tho. Cope*, of the *Strand*, victualler.—*Martin Hines*, now or late of *Rotterhithe*, distiller.—*R. Payne*, of *Bond-stable*, in *Fetter-Lane*, stable-keeper.

[The rest in our next.]

S I R, Oxon, June 26, 1749.

LAST week was publish'd here, a poem, call'd, *An address to the worshipful company of barbers in Oxford*; occasion'd by a late infamous libel, intitled, *The Barber and Fireworks*, A Fable, highly reflecting on one of the honourable members. By a Barber. It hath met with universal applause, and hath already gone thro' two editions. I have sent you the introductory lines, which will serve to give your readers a taste of the whole.

WHAT, shall a saucy rhyming dunce,
sirs,

Insult the noble name of tonsors?
Where, where's your spirit? none reply?
Fie, Arn—ld *, H—lm—n *, K—rby *, fie.
Ah, what avails the mighty knowledge
You've gain'd by shaving of a college,
If when a scribbler dares to mock,
You'll not revenge a brother block?
Well, I'll attempt it, tho' to rhyme
I ne'er try'd since I serv'd my time.
I'll teach the fellow how to joke,
But hold—what god must I invoke?
Apollo? No, for, as I've heard,
Apollo never had a beard,

Whoe'er thou art, then, lend thine aid,
Thou patron of the shaving trade,
Whose deathless hand in heav'n above
Trims the grey pate of father *Jove*.
Let wit in ev'ry line be seen,
Bright as the razor, and as keen:
Smooth let them run as oil, or rather,
As soapy, slippery, frothy lather.

P R I C E S

• Three eminent barbers in Oxford,

PRICES of STOCKS in JUNE, BILL of MORTALITY, &c.

No.	BANK STOCK.	INDIA STOCK.	South Sea, Ann. old	South Sea, Ann. new	4 per Cent.	4 per Cent.	Bank An.	3 per Cent.	India Bonds	B. Cir. pr.	Wind at Deal.	Weather	Bill of Mortality, from May 23, to June. 27.
1	135 1/2	189	115 1/2	106	106	104	104 1/2	100 1/2	76s a 77	4 17	S. W.	much rain	Males 651
2	136 1/2	188	115 1/2	106	106	104	104 1/2	100 1/2	77s a 80	4 17	W. E.	much rain	Femal. 655
3	Sunday	187	114 1/2	106	106	104	104 1/2	100 1/2	79s	4 17	N. E.	cold rain	Males 1143
4	136 1/2	187	114 1/2	106	106	104	104 1/2	100 1/2	78s a 77	4 17	N. E.	fair cool	Femal. 1130
5	136 1/2	187	114 1/2	106	106	104	104 1/2	100 1/2	76s a 73	4 17	N. E.	rain fair	Buried
6	136 1/2	187	114 1/2	106	106	104	104 1/2	100 1/2	73s a 74	4 17	N. E.	clou. fair	Died under 2 Years old
7	135 1/2	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	Between
8	135 1/2	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	2 and 5
9	135 1/2	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	5 and 10
10	135 1/2	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	10 and 20
11	Sunday	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	20 and 30
12	135 1/2	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	30 and 40
13	135 1/2	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	40 and 50
14	135 1/2	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	50 and 60
15	135 1/2	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	60 and 70
16	135 1/2	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	70 and 80
17	135 1/2	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	80 and 90
18	Sunday	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	90 and 100
19	136 1/2	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	2273
20	136 1/2	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	157
21	136 1/2	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	528
22	136 1/2	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	1080
23	136 1/2	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	403
24	136 1/2	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	273
25	136 1/2	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	464
26	136 1/2	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	473
27	136 1/2	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	443
28	136 1/2	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	394
29	136 1/2	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	499
30	136 1/2	186	114 1/2	106	106	104	104 1/2	100 1/2	73s a 72	4 17	N. E.	clou. cold	273

Within the Walls 157
 Without the Walls 528
 In Mid. and Surrey 1080
 City & Sub. W. 403
 Weekly May 30 — 464
 June 6 — 473
 13 — 443
 20 — 394
 27 — 499
 2873
 Wheaten Peck Loaf 11. 9d.
 Wheat 20s. 10s. 8d. per Quarter

FROM *Dresden* we have an account, that marshal count *Saxe* arriv'd there on the 22d inst. N. S. and from *Dantzick*, that of late several large remittances have arrived there from *Paris*, which were sent directly to *Mittau*, capital of *Courland*, in order, as was thought, to accelerate as well as secure the election of a new sovereign into that duchy in favour of the said marshal. In the mean time, the *Russians* seem to be taking measures to prevent or oppose that election; one column of their troops, returned from *Bohemia*, having already taken quarters in that duchy, and the other two in its neighbourhood in *Livonia*; and at the same time they are making vast preparations for war in all their ports and dominions upon the *Baltick*. On the other hand, the talk at *Paris* is, that in case of a rupture in the *North*, marshal *Bellisle* will be sent with an auxiliary army of 20000 men, to assist the allies of *France* in that part of the world.

From the *Hague* we have had since our last the following advices: That Messrs. *de Catwyck* and *Pauw* returned from *North Holland* thither the beginning of this month, after having executed the commission with which they were charged by the prince stadtholder, for changing the magistracy of the several towns in that part of the province, by virtue of the power given to his highness by the states in *September* last; so that the town of *Dort* is now the only place that has not yet undergone a visitation by virtue of this commission, and consequently the only town where all the old magistrates still continue in the exercise of their office: That the earl of *Holderness*, the ambassador from *Great Britain*, with his countess, and a numerous retinue, arrived there on the 6th inst. N. S. That on the 9th his serene highness, the prince stadtholder, and next day her royal highness the princess returned from *Loo* to their house in the wood near the *Hague*: That at *Amsterdam* the mob had attack'd several meeting-houses of a new sect of religion lately set up there, called *Hernbutters*; upon which the magistracy of that city have issued an order, which forbids, under severe penalties, the holding of any such conventicles: That the states of *Holland* have appointed *M. Stein* to act provisionally as pensionary till their next ordinary meeting, which will be next month: That on the 13th, about ten at night, the fireworks for the peace began to be played off; and every part of them were executed with as much satisfaction as could be wished, and without the least blunder or accident: That on the 23d an extraordinary assembly of the college of the nobles of *Holland* was held, when

the prince stadtholder proposed, that field marshal count *Maurice* of *Nassau*, and count *Grontsfeld*, should be admitted into the college; upon which they were unanimously elected, and next morning they were introduced and took the oaths and their seats accordingly, in the assembly of the states of *Holland*: And that the same day, viz. the 24th, the states general approved and established the scheme for restoring the farms by way of collection; tho' a general poll-tax, in proportion to people's revenue, would certainly have been less burdensome upon the poor, and less dangerous to the liberties of the people *.

From *Paris* we have had the following accounts: That towards the end of last month, Mr. *Torke*, the *British* minister, waited on the marquis *de Puyfieux*, to demand a final explanation on the subject of *Tobago*, when that minister made him the following declaration, "That the king his master had seen with surprize, what an alarm an affair of so little importance had given in *England*; that his most christian majesty had never any design of making a settlement at *Tobago*; that persuaded of the good dispositions of his *Britannick* majesty to maintain peace and a good understanding between the powers of *Europe*, he would carefully avoid, on his part, whatever might give the least disturbance thereto; and that tho' it be evident that *France* was in the possession of that island towards the middle of last century, it should nevertheless be disposed of as his *Britannick* majesty should think proper: That before the 1st of this month they had launched at *Brest*, *Toulon*, and *Rochefort* 13 new men of war, from 70 to 80 guns; that they have since launched four of 70 guns each at *Brest*; and that a vigorous application is making by several rich persons, for having a company erected and employed to build ships for his majesty's service in *Canada*; on which condition they propose to build twelve annually, at the same rates for which they are built in the ports of *France*, and to make his majesty a present besides of a complete sixty-gun ship every year while that contract continues.

It has not as yet been discovered, with any certainty, what is become of the young pretender. Some accounts told us he had passed thro' *Warsaw*, and was arrived among his relations in *Poland*: Soon after we had a formal story told us of his arriving incog. at *Venice*; and since that we have been told of his going from *Warsaw* with one of the *Sobieski* family to his palace in the country, where it was supposed he would stay till *September*.

Bro-

* See our last, p. 242.

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41. —on the Death of his only Son. By J. Pitts. *Buckland.*

42. —before the Synod at Dumfries. By David Imprie, A. M. *Oswald.*

43. —before a Congregation of Black Slaves in Maryland. *Oliver.*

44. —at St. Margaret's, Westminster, on Sunday, April 9, 1749. By Septimus Turton, L. L. B. pr. 6d. *Corbet.*

45. —at St. John's, Hackney, on the publick Thanksgiving, April 25. By Robert Wright, D. D. pr. 6d. *Hawkins.*

46. —at Little Wild-Street, on the same Occasion. By Joseph Stennett, pr. 6d. *Ward.*

47. —at Weathersfield in Essex, on the Death of the Rev. John Harrison, M. A. By Thomas Davidson, pr. 6d. *Oswald.*